



**SCOTTSDALE DEVELOPMENT REVIEW BOARD  
KIVA - CITY HALL  
3939 N. DRINKWATER BOULEVARD  
JUNE 9, 2005  
APPROVED VERBATIM MINUTES**

**PRESENT:** W.J. "Jim" Lane, Council Member  
E.L. Cortez, Vice Chairman  
David Barnett, Commission Member (departed at 3:33 p.m.)  
Michael D'Andrea, Design Member  
Kevin O'Neill, Design Member  
Michael Schmitt, Design Member  
Jeremy A. Jones, Design Member

**STAFF:** Donna Bronski  
Mac Cummins  
Tim Curtis  
Lusia Galav  
Richard Goecke  
Kurt Jones  
Connie Padian  
Sherry Scott  
Bill Verschuren  
Al Ward  
Greg Williams

**CALL TO ORDER**

The regular meeting of the Scottsdale Development Review Board was called to order by Councilman Lane at 1:01 p.m.

**OPENING STATEMENT**

Councilman Lane read the opening statement that describes the role of the Development Review Board and the procedures used in conducting this meeting.

**ROLL CALL**

A formal roll call confirmed members present as stated above.

**MINUTES APPROVAL**

May 19th, 2005 Minutes of the Development Review Board Study Session

**VICE CHAIRMAN CORTEZ MOVED TO APPROVE THE MINUTES OF THE MAY 19TH STUDY SESSION, AS SUBMITTED. SECONDED BY COMMISSIONER BARNETT.**

**THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).**

May 19th, 2005 Minutes of the Development Review Board Regular Session

**COMMISSIONER BARNETT MOVED TO APPROVE THE MINUTES OF THE MAY 19TH REGULAR PUBLIC MEETING MINUTES. SECONDED BY VICE CHAIRMAN CORTEZ.**

**THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).**

**CONSENT AGENDA**

**VICE CHAIRMAN CORTEZ MOVED TO PULL CASE NUMBERS 5-DR-2003#5 (JUG 'N BARREL WINE STORE) AND 22-DR-2005 (ADVANCED HEALTH CARE) FROM THE CONSENT AGENDA. SECONDED BY COMMISSIONER BARNETT.**

**THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).**

<u>69-DR-1989 # 4</u>	<u>Scottsdale Seville Shops</u> Monument Signs Refurbishment 7001 N. Scottsdale Road 18001 North 94th Street Vollmer & Associates, Architect/Designer
<u>85-DR-2004</u>	<u>Verizon WCF - PHO Jomax</u> Wireless Communication Facility (WCF) & Equipment 26633 71st Place Gammage & Burnham, Applicant
<u>7-DR-2005</u>	<u>Bennett Residential/Office Building</u> Site & Plan Elevations 6921 E. 1st Street Design Coalition, Architect/Designer
<u>12-DR-2005</u>	<u>104th and Bell; Community Park and Building</u> Site Plan & Elevations Thompson Peak Parkway & Bell Road Douglas Fredrikson Architects, Architect/Designer

5-PP-2004

The Reserve

Preliminary Plat

NEC 118th St & Via Dona

Land Development Services, Applicant

**COMMISSIONER BARNETT MOVED FOR THE APPROVAL OF:**

**69-DR-1989#4 (THE SCOTTSDALE SEVILLE SHOPS MONUMENT SIGN  
REFURBISHMENT);**

**85-DR-2004 (VERIZON WCF - PHO JOMAX);**

**7-DR-2005 (BENNETT RESIDENTIAL/OFFICE BUILDING) WITH THE ADDITIONAL  
STIPULATION THAT THE SILVERWORK BE A NON-GLARE BRUSHED  
ALUMINUM;**

**12-DR-2005 (104TH AND BELL COMMUNITY PARK AND BUILDING);**

**5-PP-2004 (THE RESERVE).**

**SECONDED BY BOARD MEMBER D'ANDREA.**

**THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).**

**REGULAR AGENDA**

26-ZN-2004

ASU-Scottsdale Center for New Technology & Innovation

Amended Development Standards

SEC McDowell Road/Scottsdale Road

ED GAWF: "Thank you, Council member Lane. I'm Ed Gawf, Deputy City Manager for the City of Scottsdale and I'm going to make the introductory comments. We also have Tom Samuels from Higgins Development Partners who will represent the developer in this particular project. And then Kurt Jones, our current Planning Manager, will wrap up and really focus on the specific issues before the DRB this afternoon."

"This is a project that is the 42.2- acres that the City acquired in the old Los Arcos Shopping Center at Scottsdale Road and McDowell. And I'm going to make a few introductory comments, but primarily for the benefit of those watching and in the audience, because I have done, as you know, several study sessions with the DRB on both the big picture of the corridors of Scottsdale Road and McDowell, the south Scottsdale revitalization, as well as this specific project. But I think it's always good, as we look at the specific projects, to take a step back and look at the larger context in which we are dealing with."

"And as you know, one of our key objectives of the City Council and the community, is the revitalization of the southern part of our City. And especially the commercial corridor of Scottsdale Road and McDowell. And there are a variety of programs that are underway that I think are starting to have an affect on that revitalization. And one of the major ones is the rezoning before you this afternoon. And that is the 42-acres that was acquired by the City at Scottsdale Road and McDowell."

"The proposed zoning is planned community district and it's a zoning district that you basically create to reflect the vision and intent of this specific development proposal. And that's what we'll walk through with you this afternoon. It would replace the existing C-3 commercial zoning and the service commercial zoning districts that presently exist on the site."

"In doing this, as you, I'm sure, recall, in PCD or planned community districts, you have to have a base district or districts to draw from in creating a new PC District. In this case we've used PRC, the planned regional community district, CO, commercial office district and the industrial one districts."

"From a use standpoint, we've used all three districts. From a development standards standpoint, we've used the PRC District. As you can see on this diagram, of the 42-acres, approximately 37-acres has been leased for a long-term lease with ASU Foundation. And that is the main -- (Brian, if you can point out the ASU Foundation's lease holdings.)

"So 37 of the 42-acres are leased to ASU Foundation and it will be zoned PC. The remaining 5-acres have been retained by the City. That includes the 3 and 1/2-acre parcel that you see there, just east of 74th. And a 1.27 parcel that is somewhere in that 37-acres and that will be determined as we go forward in the site planning process."

"So the action before you this afternoon, and next week before the Planning Commission, and then the week after that before the City Council, is to zone this 42-acres as planned community district."

"Let me give you a little background on this. The mall was closed in 1999. It left a big hole in the City of Scottsdale; big figuratively and literally. If you go out and look at the site today, you'll see two or three very big holes there. But more important, in the physical configuration, it left a vacuum, if you will, in the southern part of the City. A vacuum that had been developing over some period of time. The Los Arcos Regional Mall, which was the first mall in the late 60's, but over the years competition had changed the role and the area that this regional mall would serve, and continued to limit that area. So it became a shadow of itself by the late 90's. So it's been vacant the last few years."

"August of last year the City purchased the 42-acres with the goal of revitalizing the southern part of the city, and again, I'd emphasize the point I made earlier: that this is a component, or part of, that revitalization. This, in an of itself, would not revitalize the southern part of the City. But this is part of a larger plan to do that. It also is intended to promote economic vitality and create an urban, mixed use, knowledge based center. "

"In August of last year we not only acquired the site, we also entered into the lease with ASU Foundation. This is a 99-year lease with one extension of 99-years, so it's a 198-year time period. So we are partners for the long term."

"But we also started to clear the site and we've gone in, we've removed all of the concrete. We've removed the old Compass Bank building. We've graded the site and we've done some initial landscaping and we've maintained the site since then. And I've actually gotten quite a few comments from neighbors surrounding the site as well as residents in the southern part of the City that it looks the best it's looked in 10-15 years. But it doesn't look good enough and that's really the purpose of the PCD zoning that we're considering this afternoon."

"As I said, 37-acres will become the ASU/Scottsdale Center for New Technology. And Mr. Samuels will discuss that in his vision for that, in a few minutes. And then the 5-acres retained by the City for future development."

"So let's talk about the purpose of the DRB review today. Your role in this is fairly narrow at this point. It will be broadened as we go further into this development. But at this point, your role is to look at the amended development standards that Kurt Jones will walk through with you, and make recommendations to the Planning Commission and the City Council."

"In the PC District regulations/development standards that we're going to present to you this afternoon, the majority of standards come from the planned regional center district. Almost all of them do. There are a couple that we've added; a couple that we've deleted and we'll explain each one to you. But it's basically a PRC District base for this."

"And again, the PC District requires that any modification amended development standards must be reviewed first by the DRB and that's what you're doing this afternoon. And you review and make a recommendation to the Planning Commission and City Council in this."

"One more. The site plan elevations, and this is really -- so the first four bullets are what you're doing today. Your future role though, is the most important. That is, before any development can occur on the site, they must -- the developer, Higgins Development Partners, must come back to you with specific site plans, elevations, landscaping. That, right now, is anticipated to be in the later part of August; going to City Council in September. So it's a very fast turnaround on this. But you will be involved the entire way with the details of this particular proposal."

"In addition to looking at this in the last couple of months with ASU/Foundation and Higgins Plaza Development Team, we really started this last August. The City Council initiated the PCD zoning last August. And after that, the City Council created a citizens committee. It was called the Ad-Hoc Citizens Advisory Working Group Committee. It sounds like a government committee, but it was a good citizen's based committee."

"Eleven members from the community were appointed to this committee. And after two and a-half months of very intensive public outreach and work on their part, they met every Thursday for just about three months, they developed a document that you've received called the "Working Group Report". In that report you will see six guiding principles that they felt that any development on the site should adhere to. And these are the principles. I won't read them for you. The Developer will go through each principal and explain to you how he believes that he's met these principles. But these are sort of our guiding principals, if you will, our base in reviewing any development on this particular site."

"So, with that, let me turn it over to Tom Samuels from Higgins Development Partners and he will walk through and explain his vision and their vision, Higgins Plaza Development Team. And how they see the site developing."

**TOM SAMUELS:** "Thank you very much. I'm Tom Samuels and I am the partner in charge of this project at Higgins Development Partners. I would just like to take just a few minutes and introduce myself, but also tell you that we came to this project as a very balanced team. We are partners in this project with the Plaza Companies, which is a strong local developer that we have an existing business relationship with. We have a wonderful nationally known architecture firm, Pei, Cobb, Freed, but they too are teamed up with DMJM, which is, as you probably know, a very strong, locally based architectural and engineering firm. And we have a strong national real

estate brokerage: CB Richard Ellis, which also has a very strong local presence. And finally, of course, Sundt Construction, which has a strong local presence here. And our idea really was to come to this project balancing national, world-class experience with really strong local participation and local expertise. And that's the team that we're bringing to the project."

"I, myself, am a real estate developer, but the vision for this project was molded in large part by a conversation and a series of conversations with Pei, Cobb, Freed; with Harry Cobb. I, in the good old days, was an architect. I still consider myself an architect and in-fact, I'm a fellow in the AIA; one of the few real estate developers they've let sneak into the tent. So I do have a commitment to quality development and quality design. And hopefully that will come through in this presentation."

"First of all, let me tell you what our project vision is. I won't read all of the bullet points that you see on the screen in front of you, but basically we believe that teaming up with ASU, the ASU Foundation and the private sector, that we will be able to develop a technology, knowledge based business park that attracts people from the region and from outside of the region, and leverages ASU's research capabilities in a way that makes this a very, very strong magnet. Doing that, obviously we want to stimulate the economy. We want to brand this city, Scottsdale, along with ASU in the region, as leaders. We need to do that to make this work. And all of the other things that you see up there are really the underlying fundamental goals of this development. There was a lot of thinking that came to this. And I want to run through it real quickly here."

"When we looked at the site, we realized that this site wanted to be connected and it wanted to try to connect Scottsdale Road with the wash. And that we wanted to have a very vital, populated boulevard that would help that east/west connection happen. And the idea of a signature (can you just advance the slide there) a signature, if you will, boulevard or street that was punctuated by open spaces; public open spaces."

"Very early in this process it was said that if this project was going to be successful, it would be a place where a person would feel comfortable walking a baby carriage up and down in the middle of the day and perhaps having a cup of coffee or enjoying themselves in a sidewalk cafe. And that is what our goal would be. This east/west boulevard, an emblematic, urban street, it says that up there, and as I go through this I'm going to talk about the circulation for the site, but the idea was to keep that street, that emblematic urban street fairly narrow; to have angled parking on it so people could drive in there and park, but co-exist with pedestrians and retail. And to create a shaded environment that people would feel comfortable in."

"(Can you go to the next one?) This meant developing an access and a circulation plan that supported that idea, so first we have the boulevard and the main access points into this boulevard. (And next.) We then said, at some point we're developing 1.2 million square feet of development; 135,000 square feet of retail on this site. And there will be upwards of 4,000 people coming to the site and parking. And we wanted to separate the access through new signalized access points that kept the lower volume and the higher volume pieces apart. (So, if you could go to the next one.) That meant creating a new east/west street along the south, and a new north/south street going to the site; mainly for vehicles. (To the next.) And then an internal circulation for pedestrians and interior circulation."

"(If you'd do to the next one.) So the areas that you see there circled in red are high volume areas where cars can get into the site without interacting the lower volume areas where pedestrians will be strolling and cars will be moving at a much lower rate. (Next, please.) And as you see, we've

established a 90-foot right-of-way for the cars. A 44-foot carriage way. These are just standards that have developed to try to keep this circulation system clean."

"(The next.) The next thing, and this was brought up and I'm going to address, by the way, the Working Group goals and objectives specifically because I think it's important that this development respond to that. But it was very clear from listening to what the public had to say, and in-fact, what our own sense of this development would be, that there had to be a pedestrian network. This had to be permeable and that pedestrians would have to have a variety of experiences within this development."

"I want to stress that the architecture and specific planning that the Development Review Board will be reviewing and approving on a step-by-step basis as we move forward, is not intended to be monolithic. This is intended to be specific buildings with specific character. Yes, tied together. And yes, an architectural whole, but not a monolithic, gigantic building that dominates the environment. (So, go to the next slide, please.) So here you see the idea. These are design guidelines. These are the ideas and concepts for penetrating through the development zones and creating different kinds of pedestrian experiences where people can get onto the site."

"(The next, please.) The next most important thing, and mostly I've been talking about the interior of the site here, is how people perceive the site from the outside. And we think that the perimeter landscaping and how we present ourselves to the public from the outside is really important in establishing the quality; the perceived quality of this development and in terms of how it impacts the public."

"And the various perimeters are really quite different. The 74th Street perimeter, for instance, as illustrated in these diagrams or photographs that you see, is a lower key. It has seating, it has places. The southern is, as well, where the McDowell perimeter and the Scottsdale perimeter are more formalized and more formally landscaped."

"So, I said that I wanted to talk about the guidelines. We tried very hard to take the Working Group's guidelines quite seriously and to heart. There are six of them. And let me go through them specifically."

"The first was to create a balance of land uses and relationships that interconnected to the surroundings. And as I said, we really believe that ultimately, in the long term, the long range plan for this community, if it is possible to connect through to the wash and to take the development site to the east, and we've been talking to some people about this, try to tie these things together, and balance our commercial development, the 135,000 square feet of retail that we're developing, with future additional retail and perhaps housing. That this is really the way to make this site and the general area around the site that Ed talked about, work."

"(So, the next slide.) Meaningful open space and public use. I'm going to show you some diagrams of open space, but our plan calls for a variety of open spaces. The linear boulevard open spaces. One and a quarter-acre plaza and other plazas and things like that."

"(The third.) I talked about mobility and interconnectivity and how we got people on to the site and how we separated pedestrians from higher volume cars. We think that's a really important part of this in response to these guiding principals."

"(The fourth, please.) When we first started this, we heard: Demonstrate Scottsdale's commitment to quality. And we've spent quite a lot of time with the City staff, with our

brokerage team, with our co-developer, talking about what quality levels need to be. And obviously to make this a landmark project, we intend for this to be class-A, office environment."

"(The next one.) Environmental sustainability. We have committed that this project will get a LEED certification or meet LEED certification standards. It's going to be one of the largest projects in the country to do that. We're confident that working with our contractor, with Sundt, with DMJM and with Pei, Cobb, Freed, we will indeed be able to achieve that commitment."

"(And the last.) Social and economic vitality. Well, we want, ultimately for this to be a 24-hour, 7-day a week environment. We want to bring the kinds of retail uses to this boulevard. We want to be surrounded by the kind of uses that do that. And we're going to work real hard to get the right kind of tenants that are knowledge based, 24-hour workers, that will support that kind of environment."

"(If you'll go to the next slide after this.) There has been a lot of talk about how much would get built on this site and how much open space there would be. And the dark blue area that you see illustrated on this site represents the total allowable built area, if we were to simply build four-story buildings. And so as you see, a huge amount ultimately of this site, it obviously won't get built this way, but a huge amount of this site will be open space. And as you begin to review our site plans and our building plans, and work with us on this, I believe, and I was saying this to the City staff, to Ed today, that the figuring out where the best place, the way that open space wants to work, is going to be as important as figuring out the way the buildings will work. So, we've done six just illustrative plans."

"I'm not sure you'll be able to see big differences in this, but I just want to give you an idea of the kinds of site plans that you might be seeing. So, here you see the framework plan on the left and a site plan on the right. That shows one way that 1.2 million square feet could be developed. The gray being parking structures. And the green being open space."

"(Go to the next.) This is another development scheme where we've done three and four-story buildings and you still see that there's really quite a lot of open space on this site. If you go to the next one, just another example. This one begins to develop a central square along the boulevard. That's a possibility; along with an open space at the end. (Go to the next one.) This is a very interesting idea. This is concentrating development along the boulevard. We believe, and our architects believe, that having anchors at the Scottsdale entrance and at the 74th Street end of this boulevard, to anchor this development, to draw people back and forth, is going to be a really important part. But also events that are pedestrian friendly; fountains and things like that, that are along the way. (Let's see, do we have one more of these?) This is just another example of the kinds of site plans that we've been working on. So I think that's it for that. "

"Now, we are committed to being back to you in August or September. I'm not quite sure what the dates are with our overall approach to this with a real site plan and real buildings for Phase I. It is our intention to be under construction here, assuming that we get all of the required approvals that are necessary to be under construction with the infrastructure, working with the City with the infrastructure, at the end of this year. And beginning construction for the first phase of construction, which is about 260,000 square feet, early in the first quarter of next year."

"So we've had a great working relationship with the City so far. This is what we're here to ask for. And I would be more than happy to answer any questions you might have."



**BOARD MEMBER D'ANDREA:** "Mr. Samuels, I just want to start out by saying, you know, I really appreciate everything you guys have done in terms of studying the site. I have a couple of questions, and I'm just going to throw it out and you know, excuse me if I'm not understanding this right, but the PC zoning, it's my understanding there is a 25-acre minimum restriction on what you can zone PC, which would tell me that -- how do the two parcels, the smaller parcels, how are they able to be zoned as a PC Zoning?"

**KURT JONES:** "Councilman Lane and Board Member D'Andrea, in the redevelopment districts in the City you can have a minimum of 10-acres. But when you look at this entirety it's one district; several parcels within. So we're rezoning all of those parcels as a part of the PC District and not just individuals. It's going to be one district in the end."

**BOARD MEMBER D'ANDREA:** "Okay, that was my question. So the ownership on the -- I guess the whole question is concerning what you can do on the smaller parcels and we wouldn't want to limit that by going to a PC District. Does that make sense?"

**KURT JONES:** "Yes. All of the parcels will be restricted to development standards the City Council ends up approving, that I'll go through in my presentation, so they'll be applicable throughout the entire District."

**BOARD MEMBER D'ANDREA:** "Okay. Kind of where I'm going with that is, you know, you mentioned a lot about open space community/pedestrian networks. My personal opinion is that residential units, actually people living on the site, would be very beneficial. Is that part of the overall plan? Because what I'm hearing and what I'm reading in the document, I see it as big box retail, class-A office space, ASU campus and I have seen nothing, or heard anything, about any plan for multi-housing. Can you respond to that?"

**TOM SAMUELS:** "I certainly can. I'll get to the residential in one moment. Big box retail is not envisioned on this site. There's 135,000 square feet of retail. This retail is going to be basically service oriented retail that supports the neighbors and supports, primarily, the 1.2 million square feet of development; the 4,000 people that will be there. The concept of building residential; we support this. The primary function on this site is to develop office and to develop retail. The community around this site will vote with its feet. We believe, and what we see out there, is that people are talking about doing more development, more residential development outside and there may be an opportunity to bring some of that on the site. It is not part of the economics of the plan but we're definitely not ruling it out. And we would agree with your premise, that ultimately, if you can do it, if the market will support it and you can get the right kind of housing there, it's a great idea."

**BOARD MEMBER D'ANDREA:** "But are we limiting though the capability to do that by the development standards? For example, floor area ratio, the parking requirement would not be sufficient for a residential project."

**TOM SAMUELS:** "No, the simple answer to that is that we've worked with the staff and there's nothing to prohibit it."

**KURT JONES:** "Commissioner Lane and Board Member D'Andrea, with regards to the District and the way the zoning ordinance reads, and as you saw, Tom laid out several development plans that could develop. And there were lots of open space within there that doesn't get developed on. You have to remember, with the zoning ordinance, the way it reads is the residential units don't equal out to the FAR. They're a separate ratio. It's a density issue and not an intensity of issue."

So the 1.2 million is 1.2 million of non-residential. So the spaces left over could potentially be that residential space."

**BOARD MEMEBER D'ANDREA:** "Yeah, and I apologize again. You know, my personal feeling is that it would be great to have it in the long term. I just want to make sure -- this is a monumental project -- that we ask the right questions and understand. So thank you."

**ED GAWF:** "And if I could add, Board Member, that the PCD zoning district does allow residential. And actually the five acres retained by the City, could be residential as well. We're not sure what it will be, but it could be. Clearly the Working Group felt that a mixed-use development in the area, and that's why I showed the corridor plan, in that area, having residential as well as employment as well as retail, was very important. And one of the findings we had as part of our research with the Working Group is that the area is over zoned for commercial. So some of the commercially zoned properties, I would anticipate over the next five to ten years, would go residential in that area."

**BOARD MEMBER D'ANDREA:** "Thanks."

**ED GAWF:** "And Kurt Jones does have a third part of our presentation, if you're ready for that."

**COMMISSIONER BARNETT:** "Actually, I have a question for Mr. Samuels. Thanks for coming out today. I appreciate everything you've done. As you're aware, the PC is a really flexible district and gives you a lot of options. Today you're just basically coming out and asking for four things which is a variance of the floor area ratio, clarification of open space, variance on the parking calculations and the building step-back requirements. To me, it doesn't seem like you're asking for a whole lot; I mean, you're just asking for some clarification/minor modifications. Is there any thing else that you need to allow the maximum flexibility to go forward so when you're talking about residential and you're talking about commercial and you're talking about some of the other things, that we can offer you some other tools that you can use?"

**TOM SAMUELS:** "We have had a very productive dialogue with the City. And I can assure you that as developers, we have a fiduciary responsibility to our partners, the ASU Foundation, to make this be a commercial success. And in a way, to our partners in the City. I mean the City has made a huge investment on this. So we believe that ultimately this has to be commercially viable. And we pushed, we did, to get standards which we think will result in a commercially viable development. So, my simple answer to you is, I think that we've got a good balance here. It is difficult to anticipate, once we get into this, the kinds of things that may happen, but I would like to say I think we have a good balanced proposal in front of you and that it can be commercially viable the way it is."

**COMMISSIONER BARNETT:** "So you think you have the tools and there's nothing else that we really need to do to give you more flexibility. You think there's enough constraints as well as enough flexibility for moving forward at this time?"

**TOM SAMUELS:** "No, I don't and I will say one thing. Flexibility is a two-way street. I just came from a lengthy meeting with our brokers, CB. And one of the things that they've said to us is that in this community we have to establish a framework that people can see and people can believe, or we're not going to get tenants. And so this framework, this main boulevard, the perimeter planting, the north/south street, the creation of these development blocks, is essential to convincing people that this is a real development. Yes, it limits your flexibility to a degree, but it

also tells people what they're going to get. And it tells the City what they're going to get. So I, again, I think this is a good balance."

**BOARD MEMBER JONES:** "I think your presentation shows, through your studies, that these standards you're asking for do facilitate a project that could work in a number of different ways, but I have one question about what you described as anchors at the end of the central street. And you pointed to the one on the west end, which I've heard described as a signature piece of architecture, but it's primarily for technological exchange, things like that. That's not what I would normally think of as an anchor along a retail street. Is there another kind of retail anchor to energize that street or did I miss something?"

**TOM SAMUELS:** "No, you did not miss something. The fact is that 135,000 feet of retail will not fill up that entire street. There's not enough retail to do that. And so the first floor, all along that boulevard, is going to be a mix of uses. It's going to be retail, primarily, and it's going to be lobby's and things like that that are active. But there could be institutional uses there. There could be other service uses there that are consistent with the zoning. This idea of this building, this so-called institute, was part of the thinking that we want to have the whole site identified as this technological knowledge based, you know, the knowledge workers, the innovation and that kind of thing. And it was, and ASU was very supportive of that, and in-fact, as it stands now, ASU would be the tenant of that, what is not thought to be 40,000 square foot building. We believe that over time we're going to take other major tenants and get them to do things that are publicly oriented, in that building. That's our hope, so that it isn't a private -- doesn't feel private, it feels public and that's why it's an anchor."

**BOARD MEMBER JONES:** "So in a sense, this is the philosophical anchor for the whole project, rather than what we'd think of as a retail anchor activating the street?"

**TOM SAMUELS:** "Right. I don't want to wax too philosophical about this because my partners, who are interested in charging rent and making money, sometimes think that these philosophical ideas are difficult to make sense. So we're working on it to make sense out of it."

**BOARD MEMBER SCHMITT:** "Because I wasn't part of the visioning process and the things that led up to your planning for this site, could you enlighten me and the rest of us just a little bit, with respect to how we came up with urban as sort of a descriptor, describing adjective I guess, for this piece of property? And how, you know, what I guess I consider to be more of a suburban kind of an area of Scottsdale, in a sense, with the residential around it. How is this an urban site?"

**TOM SAMUELS:** "A more proper term, if we can delve into philosophy, would be this is a new urbanism. This is not really suburban in that sense. The suburban concept is parking on grade, large areas on on-grade parking; buildings that are far apart from each other; every thing by the car. And that's the kind of environment that a suburban business park would be. The idea that this term urban that's being used, or I think more properly new urbanism, says that the people that we are building these buildings for -- we're not building these buildings for Ed or for me or even for you guys. We're building these buildings for our kids, literally. And they have a different way of working and a different way of studying. I mean my kids -- I'm sure you know what I mean. There's an evolution of the type of worker in the future in the United States and they want to be able to walk out of a building and go next door to a Starbucks. That's what they want. Whether it's in a suburban setting or it's in an urban setting."

"And so this idea that we have enough site, this acreage has enough site to create that kind of environment. And if you do, you will attract that kind of tenant. And so the City, in a way, has made an investment -- is making an investment, now they're going to get paid back their investment, I have to say. But they've made an investment and the idea of building parking garages is part of this. Because if you just covered the site with on-grade parking, even if it was landscaped, the buildings would be far apart. People would walk from their cars to their building and that's the kind of environment it would be. It wouldn't attract, in our view, it would not attract and in the City's view and ASU's view it would not attract the kind of tenants that we want to go out and compete for. And so if I -- does that answer your question?"

**BOARD MEMBER SCHMITT:** "That answers my question, actually very well, I think. I do have a couple of other questions, and one you kind of led me into so I'll just go to it next. You talked about parking a little bit. And the concepts that you've put up basically focus the parking to structures on the interior of the site. And in the presentation I had earlier in the week, or late last week I guess, whenever that was. I've lost track of time. We talked about that boulevard that runs east/west through the site as being something like Kierland. Everybody wants to be like Kierland these days and so this one as well. And I visit that center from time-to-time and like everybody says, you're sort of romanced by the idea of driving down the boulevard and hoping you're going to find a parking space there. You never do. So you find yourself in the parking structure. And when I think of this boulevard and the way it was described to me the other day, it's a pedestrian kind of space. Yet, it seems that we're placing those structures in the center of where we're going to draw pretty much all of the cars right down through the middle of it. And I don't see how that works."

**TOM SAMUELS:** "The parking garages are really, for a person who knew that they were looking for a parking space, nobody's driving down that boulevard. It's a narrow street. It's got parking on it. The first time you amble down that space, you will -- if your main objective is to go to the parking lots, you won't do it again. We have new signalized intersections and direct access into these parking spaces from the perimeter."

**BOARD MEMBER SCHMITT:** "Could you describe, even just on the diagram here for instance, where would the primary access to those parking structures be for a person who comes through everyday and understands how to use the traffic pattern in the center?"

**TOM SAMUELS:** "(Keep going through this -- stop. That's fine.) If I can just point -- That road is wider and it has a stoplight on McDowell. This road is wider and it has a stoplight right here on Scottsdale. So a person going to one of these parking lots, the quickest and most controlled way of getting into those parking lots is going to be on the (indiscernible) that has signal that accesses the property or on McDowell; at a signalized intersection. A person who is going down this boulevard, now just as you say, looking for a parking space and not finding one, can in fact be diverted off to the parking spots, but that's going to be insider choice."

**BOARD MEMBER SCHMITT:** "And then I guess that makes sense to me. The only thing I would maybe suggest as you go forward with developing the design is if you can do something at sort of the intersection of your boulevard, in the north/south section of that, that would even maybe, whether it be a traffic circle or something that really kind of discourages people from wanting to drive through and deal with that might be -- "

**TOM SAMUELS:** "And that is our intention."

**BOARD MEMBER SCHMITT:** "And then just a technical question. I know that's not what we're here for today, but let me just throw it out. You talked about the signalized intersection at McDowell Road. It seems like it's closer to the intersection of Scottsdale and McDowell then typically you can find another signalized intersection."

**TOM SAMUELS:** "We had our traffic engineers look at that in terms of stopping distance, in terms of stacking and all of that. And so far, we are told there is no problem with that."

**BOARD MEMBER SCHMITT:** "Okay, and just one final question. Back to a question that Board Member Jones asked about a little bit and you mentioned the anchors. And I think you very adequately described what you might envision out on Scottsdale Road, but at the other end, I had a little trouble envisioning what would anchor, what would really serve as an anchor at such an interior low visibility portion of the site?"

**TOM SAMUELS:** "Well, a considerable amount of conversation between Harry Cobb and me occurred about that topic. And about how that boulevard would look. And the concept is, in that drawing that you see there, if you go down to the end, right to the southwest corner, you notice there is an open space there?"

**BOARD MEMBER SCHMITT:** "Right."

**TOM SAMUELS:** "The concept is that we would do a fountain or we would do something at that end that was of a public nature, that would tend to draw people back and forth; visually and from an event standpoint."

**BOARD MEMBER SCHMITT:** "I'm thinking about at the far east end of the east/west boulevard, down toward the City of Scottsdale parcel, right there."

**TOM SAMUELS:** "That's what I'm talking about."

**BOARD MEMBER SCHMITT:** "Oh, okay. All right. I was following the wrong arrow or dot on the screen."

**TOM SAMUELS:** "I will tell you, because it was a matter of kind of public information that we had actually proposed the fountain across the street on the City land, but Ed talked us out of it."

**BOARD MEMBER SCHMITT:** "Okay. Great. That answers my questions for now. Thank you."

**TOM SAMUELS:** "Thank you."

**COUNCILMAN LANE:** "I'd like to just remind the Board Members here that we want to try to confine our questions to the item of the planned development community zoning, rather than get into the details of the site plan and that."

**TOM SAMUELS:** "Again, thank you so much."

**KURT JONES:** "I just have to end off on the most riveting part of this discussion, which is the amended development standards and it's really the reason why we're here in front of you this evening. And I'm just going to run through them real quickly. And if we have questions at the end we can run through those."

"But in order to get to this framework that Tom and Ed had talked about and then shown on the site plan here, we need to amend some of the development standards. And first of all, let me just tell you about the land uses that we -- and some of this is repetitive, but again, we drew from three zoning districts and as Ed had said, they come from the PRC District, the CO District and the I-1 District. And then these uses provide for the flexibility to accommodate the essential mixed use center that Tom had talked about."

"(Next slide, please.) So the development standards are drawn from three Districts but we're going to use just the one district, which is the PRC, the planned regional center district for all of our standards and we're going to basically not apply the CO and I-1 Districts. These standards from the PR District most closely reflect the vision of the Center and creates that mixed-use center that was discussed by Tom and also it furthers the Working Group's efforts and their guidelines."

"(Next.) And again, like I said, the CO and I-1 are not applicable in this case. So the vital development standards you'll see are the ones on page 3 of your booklet. Those are the ones that the Council will end up approving and be the development standards that are applicable to the entire PC District that you saw on the zoning map."

"(Next slide.) So I'm just going to sort of summarize what that means; what that chart means. What we're going to do is create 60-foot high buildings throughout the site. At lower heights there's stipulations as you get closer to the residential district. The floor area ratio is .8. Again, the 60-feet and the .8 are directly out of the lease. The 60 feet from the lease was established from the old Broadway building that was there so that site has seen a 60-foot building before and this is not new."

"(Next) The open space development standards that are created through these amendment processes and the stipulations that will be attached to the Planning Commission and City Council report will create 30-foot wide pedestrian landscaped areas along the main roads. They'll create that east/west pedestrian spine, that boulevard through the site. And again, there's those city open space parcels that are throughout the site that also get implemented. The building step-backs; that's one of the issues I'm going to talk about with regards to the amended standards, and the stipulations address some of the locations of where 60-foot buildings can go."

"And then final, is the parking space calculation. Again, that 135,000 square foot of retail/restaurant that is allowed on the site, typically it gets counted at a different ratio than the 300, but because we have a mixed-use center and a mixed-use parking ability to calculate and that way they're asking for a straight 1 to 300 parking calculation. And again, that will be dispersed throughout the site with structured parking and then on-street parking throughout the main spines."

"(Next.) So again, the four key development standards you're looking at today that you're passing on a recommendation to the Planning Commission and City Council are floor area ratio, the open space, the parking calcs and the building step-backs. (Next.) With regards to floor area, the .8 excludes limitations. In the PRC District, if you look at that attachment number 1, it has a provision on there that only a percentage of office can be in non-residential buildings and only a percent of commercial can be in non-residential buildings. And we wanted to delete that language and allow the .8 to be dispersed everywhere and allow the market to dictate where the retail goes. And since this is primarily a research and development and office type of development, those standards wouldn't really reflect what they're trying to do on this site."

"(Next.) The open space has some interesting calculations in PRC. A lot of it is based on the height of the buildings and the higher you go the more open space that is required. But the key to the development standards and open space says not to exceed 20 percent. Well we erased some of the language just to make sure that there's a minimum of 20 percent on the site and it is dispersed as stipulated with these areas along the roadways, along the boulevard, between the structured parking and the buildings, and some of these public plaza spaces that the City will incorporate and the Applicant will incorporate."

"(Next slide.) Now the building step-back provision is actually in the front-yard provision of PRC and it really speaks to as you put that building that is 60-feet high along a street, you step it back. And what we're doing is we're accommodating that. And by deleting that we're accommodating to the stipulation package that a percentage of that framework plan, you can put along the street, but not an entire quadrant be 60-foot buildings all along those main streets. So our stipulations are going to cover where that goes."

"The slide, the picture on the left here shows you a typical step-back. But what we're trying to do is if you go to the right here, we're going to put these landscape buffers and widths there so when you do get to the pictures below, you create a buffer between those really 60-foot masses."

"(Next slide.) And then the parking I explained. There's a provision in our ordinance that you calculate structures in a floor area and a volume ratio area, but since because their long term intent when this thing builds out that these structures will be behind the streets, behind the buildings, screened from view and only if you're looking for them or directed to them, you'll see them and get to them, that we don't calculate them in a volume ratio, because they are screened. And we don't calculate them from a floor area ratio standpoint because the framework plan establishes them that they are going to be screened."

"(Next slide.) I just want to really close again on process and timelines. The DRB again is looking at that today. Next week is the Planning Commission meeting. And the following week is the City Council meeting. They will be approving not only the amended standards that you're recommending on today, but the zoning from the C-3 and CS to the PC District, with these amended development standards."

"Then again, as was stated by Ed and Tom, you'll be seeing everything. Phase 1 comes in a few months and you'll be able to get into the nitty gritty of the elevations, the site planning, the landscaping and the pedestrian areas. And then finally, the goal here is to commence that Phase I construction the beginning of next year and then completion late next year or the following year."

"And then finally, (last slide), again your task today is to forward a motion on the amended standards that I just went through to the Planning Commission and then on to the City Council. And staff feels that they create a PC District that implements the vision that was outlined to you by Ed and Tom and then also that they implement -- that that advisory group that the Council appointed to setup the framework for this site and create a mixed-use center in Scottsdale's revitalization area at a key intersection of it. Any questions? I'd be happy to answer them."

**BOARD MEMBER JONES:** "Well, first of all, I think this is a very well thought out project and I'm sure we all feel very favorably about it. But just for clarity, you mentioned that the parking garages would not be considered in the volume ratio because they are screened. That seems like a little more allowance than we often give; probably a good idea anyway. But I think it's actually very clear that about half of the faces of the buildings, the back windows if you want

to call them that, will be looking at the parking garages. So, I would just be aware that we're going to be very concerned about the design of those parking garages."

**KURT JONES:** "Councilman Lane and Board Member Jones, very good question. And we are too. I think that Tom's slides show that their intent is not to put up just your standard parking structure. They are going to be 360 designed office buildings so someone that does have an office or a retail space or a residential space that looks out onto these structures, design issues will be looked at every time one of those structures come through. And there's also an open space component between the structures and the buildings so that that has to be designed along with the structure."

**BOARD MEMBER JONES:** "And I think this is all quite possible to work very well. And I think your standards look just fine."

**BOARD MEMBER D'ANDREA:** "Just a quick question. And maybe you could sum it up for me. Is the 1 to 300 square foot parking count going to result in an over or under parked situation based on the usage?"

**ED GAWF:** "I think it's going to result in a correctly parked situation. But let me explain that. Retail is 1 to 250. Office is 1 to 300. And so since retail was such a small component of this and we are requiring them to have a transportation demand management program -- how they're going to use things other than the car to get to work -- we felt that 1 to 300 was a good solid standard. My guess is, they're going to find it less than what they really need. That meets our City code. I think they may end up providing more parking than that."

**BOARD MEMBER D'ANDREA:** "I agree with you. So I guess my point is if we're going to come to a resolution on what is right for parking, shouldn't it, in worse case, be an over parked condition, not an under parked condition? In other words, why require 1 to 300 and we think we're going to get it right. Why wouldn't we change that to make sure that based on the usage that we won't -- because I can't find a spot at a highly, what's the word, but if the office building is leased out for tenants, anywhere along the 101, any class-A office, it's hard to find a parking spot based on those counts."

**ED GAWF:** "And what I would recommend that we do and I prefer doing is, have our minimum standards being 1 to 300 and let the marketplace then dictate if it's more. Because if they don't need more I don't want them to build parking that is not used."

**BOARD MEMBER D'ANDREA:** "But aren't we giving them a minimum standard by approving this today of 1 to 300?"

**ED GAWF:** "That's correct."

**BOARD MEMBER D'ANDREA:** "So they would never have to adjust it based on the use. Is that correct?"

**ED GAWF:** "That's correct. But my comment though was that as they decide their parking need from a market standpoint, if they need to adjust it upward as far as number, that's fine. But the worst case is that we select a higher number, let's say we require more than 1 to 300, and it turns out they're not needed. That is the worst possible situation in my mind, because then we're wasting resources, in affect."



**BOARD MEMBER D'ANDREA:** "Okay."

**ED GAWF:** "So I'd rather go with the minimum, let the market place determine if there needs to be more."

**BOARD MEMBER D'ANDREA:** "Thanks."

**BOARD MEMBER O'NEILL:** "Kurt, could you go back to the step-back slide? Yeah, right there. I didn't follow your explanation there. What I thought you said was that the upper left hand portion is showing the typical and that you guys are proposing something other than that."

**KURT JONES:** "And I kind of did breeze through this and I apologize, Board Member O'Neill. And what I wanted to explain is this graphic here kind of -- it's very rudimentary, but it shows what a 36-foot building would look like and then the step-back as you go from -- it doesn't accurately depict what it is, it just accurately depicts a step-back. What we're doing by eliminating that provision or amending that provision, you're allowing to do something more over here with a 60-foot high straight building face; obviously that building face has to be approved by this Board, but allowing that to occur."

"And let me just read you the draft stipulation as it reads and it basically states that along Scottsdale Road and McDowell Road, 74th Street, at least 25 percent of the linear frontage not reaching the maximum of 60-feet in height and then they're going to create a massing and envelope plan that talks about that. And then that plan itself, where that 60-feet occurs, the way the stipulation is currently written, comes back to you."

"So I'm giving the flexibility that they can put a 60-foot high building somewhere along those boulevards, along the street. We've got stipulations that cover that there's going to be a 30-foot set-back for that building. Within that set-back the stipulations read: double row of tree canopies, large sidewalk, and building extensions to create a pedestrian atmosphere. But what the stip is doing is saying not every building that wants to be 60-feet has to be set-back per the way the plan regional center district reads. And all we're doing is just erasing it, but we're covering that 60-foot high building in a stipulation that allows that location to come back to you for review. That's all."

**BOARD MEMBER O'NEILL:** "I appreciate that and I appreciate your ability to say that's all, but I don't know if I quite understood everything you said."

**ED GAWF:** "Let me see if I can simplify it. The PRC requirement, planned regional center requirement, is you can go up to 36-feet without stepping the building back. Above 36-feet, for every foot of additional height you have to step it back two feet. So 2 to 1. What we're doing is deleting that and leaving the flexibility and the decision to the DRB at time of development. So you'll see individual buildings and decide whatever standard is the right one. And again, the idea was to allow -- I know that a 2 to 1 step-back above 36-feet does not guarantee good design. And the intent is to get good design. Whatever they propose, they'll bring it to you and have to justify that. So we still have control, we're just not making it mandatory that it steps back 2 to 1 above 36-feet. That's what we're doing."

**BOARD MEMBER O'NEILL:** "All right. I can appreciate that from a design perspective. My personal opinion is though that we -- I'm not necessarily comfortable at the moment giving them that flexibility if, in my personal eyes, I know that I would not approve something like that. You know, if they come back to me -- in my opinion, if they were in front of me saying this is what we

propose and I know today that I don't think that's the correct approach, I would rather them have the correct guidelines to be working with when they're in the design process as opposed to let them go through the design process and then come back and say well, we were allowed to do this within the standards and say well, the standards shouldn't have allowed you to do that. Go back and redesign. "

**ED GAWF:** "And Board Member O'Neill, I think that's right. If everyone believes that the 2 to 1 step-back cannot be modified, should not be modified, then you probably should say it today. I think very strongly that we're limiting ourselves with that. I think it's an artificial sort of limitation and our limitation really should be: we're going to look at the individual buildings and either they are good individual buildings or they are not good individual buildings."

**JOHN BERRY:** "Councilman Lane, Board Member O'Neill, for your record, John Berry, 6750 East Camelback in Scottsdale. And I couldn't let a whole hearing go by without moving to the microphone. I am here on behalf of Higgins Plaza Development and just to address specifically, that issue. Imagine, if you can, how you would describe to Frank Gary, how to apply this standard to one of his buildings. Extremely difficult. Try and explain to a David Hovey how these constraints might involve better design for a building. ASU and my clients are designing a project for the ages. They are designing a project that is generational in its scope. As a result of that, their intent is to not build a monolithic IBM corporate campus where all of the architecture and the design is the same. In-fact, what they hope to do is to have a campus that is the anti IBM monolithic campus."

"So what they're hoping is that there will be a series of iconic buildings with different, well-known, internationally renowned architects, including a great deal of input from the ASU School of Architecture, on these buildings. And when they come back with these buildings, I've sat in meetings where my clients and the Foundation have said, we really want to challenge the Development Review Board and this community to look at some architecture and some buildings that do not include stucco and red tile roofs. And that do not necessarily bend or conform to a zoning code which is, in some instances 30-years old, with development standards that are designed for these corporate campuses."

"Commissioner Barnett asked the question: What do you need to make this a project that the community will see and embrace and that we can be assured will be something that will be important and an important legacy for our community. And these amended standards, these four of them that we've articulated, are in-fact what we need. We would humbly and respectfully ask that you give us the flexibility, engage in a bit of the 'trust us' factor. You don't have to quote Ronald Regan "trust but verify". You're not giving us a carte blanc here. We have to come back to this very same Board in order to ensure that these buildings meet what the community wants. So we would respectfully request that you give us the flexibility with these standards, to move forward. Thank you."

**BOARD MEMBER O'NEILL:** "I agree that the 2 to 1 kind of step-back is dated and those types of things. I'm not necessarily saying that that's what I prefer and definitely do trust the cast of characters that are involved in this process. And all of them; I mean the whole list of them. It will be an incredible project. I'm confident of that. I'm personally invested in that area of town because of this project. And know that will be there. I just, at the moment, and appreciate the Gary references and other things with regard to how you could apply something to this. On that issue I can step aside for a second. However, you just raised a question -- or raised an issue that just is a simple question for me. Is the architect on the project Pei, Cobb, Freed? Or is it going to be an array of different architects like you have indicated?"

**ED GAWF:** "I'm going to let Mr. Samuels answer that. But let me finish up on the previous point that: remember the 'what if' diagrams that Mr. Samuels showed? It's not going to be all four-story built. It's not going to be 60-feet. It can't be, just given the FAR on this site. It's going to be actually one-story, in some cases along the Ramla perhaps, 2-story, 3 and 4-story. So there's going to be a variety of heights just because of the limitation that they are."

"The one area that we were concerned about ensuring there was a step-back was the southern border next to the residential. In-fact there's a greater set-back I think than even the Working Group recommended. But that's where we insisted on a sort of step-back was next to the residential. So, we feel very comfortable, staff, that given the other development standards and given the fact that the Development Review Board is going to review every building, that there will be variation in building, but it will have an architectural base rather than just a regulatory base. That's the difference, I think. Then I'll let Mr. Samuels -- "

**MR. SAMUELS:** "I said that this was not going to be monolithic architecture, all the same cookie cutter buildings, and it's not. Pei, Cobb, Freed will serve as the master architect for the entire development. And with DMJM, will develop a set of design guidelines that we are required by the zoning ordinance to submit to you. The first phase of the work, which I said was about 260,000 square feet, Pei, Cobb, Freed and DMJM will be the architects. Subsequent to that we are going to look at each building and each development as it comes along and select the most appropriate architect."

"I do want to say one thing about your concern about the step-backs. I feel like I really do have to be -- one thing about our company is that we really believe in being straightforward about these things. We are going to be back in front of you. And you are going to be looking at these buildings and we do want to be on the same sheet of music with you. One of the other Board Members asked us: what do we need here? Well, one of the things that we really do need is the ability to do commercially viable office buildings that will compete in this market. And most likely, those buildings are going to have somewhat regularly shaped forms. And this step-back that we need to do is going to be achieved by stepping buildings back, not necessarily stepping the facade back and we're not allowed to take up the whole, you know, edge of a site, just as was pointed out. We can't build a monolithic wall. But we may need to build, to be competitive and to meet what our tenants are required, we may need to build buildings that don't have set-backs in it and if you ask us what we need, that's what we're going to need. Thank you."

**JOHN BERRY:** "Obviously Mr. Samuels is not a lawyer if he is encouraging straightforward and honest discussion. So I just want to note that he's not a lawyer, for the record."

**BOARD MEMBER O'NEILL:** "I still have one other two-part question, which relates to -- and I believe I understand this; I just want to confirm it. None of the things that we're taking action on today, for example, would limit the -- we've been talking about certain square footages of commercial and certain square footages of retail. None of the action we are taking today, for example, sets in stone that the retail is limited to 135,000 square feet, for example. I mean that's just a number we've been using today, but nothing we're approving today kind of has anything --"

**KURT JONES:** "That's correct."

**ED GAWF:** "Because there's two parts to the answer. That is correct. Nothing in what you are looking at today limits the amount of retail that can go there. We do have a lease. The City of Scottsdale has a lease with ASUF that says 135,000 square feet of retail because we were not

doing this as a retail center, we were doing it as a research and innovation center. So the remainder of the 1.2 million needs to be research and innovation. So that is the limitation."

"Now, I also would anticipate that the crossings will develop as a mixed-use -- redevelop as a mixed use project, with both retail and probably residential, as part of that. But that's the way our lease reads with the Foundation."

**BOARD MEMBER O'NEILL:** "So the lease sets a limit of 135,000 square feet?"

**ED GAWF:** "That's correct. But the zoning ordinance that you're reviewing today in the standards do not limit the square footage for any of the parcels and the usage for any of the parcels."

**BOARD MEMBER O'NEILL:** "And then the lease also dictated a certain amount of office square footage or you refer to it -- "

**ED GAWF:** "Research and development facilities."

**BOARD MEMBER O'NEILL:** "Does the lease require a certain amount of residential square footage?"

**ED GAWF:** "No, it does not. And there's some even question on how the lease reflects or deals with the residential uses, because we wanted to make sure that ASU-Scottsdale didn't become dormitories, for example, using the extreme, for ASU. There's a big difference between that end, where it becomes dormitory, and where you do rental residential as part of it. And so we're still looking at that aspect of it. But the zoning code does allow residential and it does allow retail/office et cetera. So again, nothing that you're looking at today restricts the uses, other than what we're approving."

**BOARD MEMBER O'NEILL:** "Does the zoning trump the lease or does the lease trump the zoning?"

**ED GAWF:** "They are two separate documents. And if I don't state this correctly, I know the City attorney's office will correct me. But the lease stands by itself and we, as a document or a contract between the City of Scottsdale and the ASU Foundation. We must adhere both parties to that lease."

"In addition to that, in the City's role as regulatory agency, we are rezoning the property, which allows a variety of uses within it, if the leases ever could be modified in the future, just as the zoning could. So they are two separate kind of documents. We've worked hard to make sure there was no conflict between the two."

**BOARD MEMBER O'NEILL:** "Did the lease go through some type of similar approval process through City Council and all of those public hearings?"

**ED GAWF:** "Oh, yes. I think Council member Lane can remember it very well."

**COUNCILMAN LANE:** "If I might, Board Member O'Neill, we're getting a little bit far a field of this. I think what we're looking at here tonight is whether or not the PCD zoning will allow them to comply with the lease as well as anything else. So, I mean that's -- and that would be, as far as I'm concerned, the trump card in the lease. It's up to, right now, whether or not there is a

decision to approve these amended standards, as we've talked about. And that's really what I've tried to confine ourselves as far as that goes. If there aren't any other questions, I do have one card. Do you have a question? I'm sorry, okay, Board Member Schmitt?"

**BOARD MEMBER SCHMITT:** "Yeah, I just had basically a comment and it had to do with the volume ratio -- actually, the volume of the parking structures, not counting toward the volume. That is a significant concession, I think, in terms of amendments. And I think you properly justified that concession in your description of how you went about screening the garages and so forth. The thing that I would point out is that I think that sets a precedent and the ability to make that justification for other projects that come along. And I think maybe some of the danger in that is possibly that it doesn't discourage above ground parking, where many times, to get the volume ratio down so a project works, a developer will use underground parking and will do things to really minimize the impact of that. And if that concession is made here and then consequently in other areas of the City, will we see more above ground parking structures because they won't have to conform to that volume criteria?"

**ED GAWF:** "If I may, Council member Lane and Board Member Schmitt, it's an interesting question. In the downtown, we do not count volume as part of the floor area ratio -- or parking as part of the volume calculation. So in more urban areas, we don't do that. What I have found is almost the opposite and I think it is an issue that the Board should revisit. And that is, I think in effect we're encouraging surface parking, because that does not count as volume. And so it's not the option of going structured above ground or structure below, I think it's the option of going surface parking or structured parking because of the cost difference. And I think it's an issue that we as a staff and you as a Board should revisit and determine, because some of this has been sort of staff interpretation as well over the years. And we may be incentivizing some things that we're not clearly wanting to incentivize."

**BOARD MEMBER SCHMITT:** "Okay, well I think that was a great counterpoint you made to my point there, Ed. And I just want to be sure that, you know, the Planning Commission and the Council as well, consider that carefully because I think it's the most important part of this whole application here."

**COUNCILMAN LANE:** "Any other questions from the diocese? We do have one card of an individual who like to speak toward the subject, if he's still here. A. Thomas Jelinek. Is he still here? Sir, would you come forward?"

**A. THOMAS JELINEK:** "Members of the Board, fellow citizens of Scottsdale, I'm Tom Jelinek, pastor of Los Arcos United Methodist Church. And for the last seven years, Los Arcos and the surrounding community have longed for renewal and revitalization in our neighborhood. When the concept of the ASU Center was initially proposed, I believe the majority of my congregation felt and still feel, that this project was the best of all possibilities that had been offered for the former Los Arcos Mall site. Our congregation desires to be an integral part of a revitalized community. And to that end, access, parking and visibility for our facilities remain essential. The commercial office or residential development of the one parcel immediately to the west of our church property, remains a concern, as the church is a signor to agreements running with the land, which to our understanding, prohibit the construction of permanent structures on that parcel. We continue to have productive discussions with the Deputy City Manager and with City staff regarding these issues. And we hope that we can resolve them to the satisfaction of all. Thank you."

**COUNCILMAN LANE:** "Thank you, Mr. Jelinek. Okay, I think we have come to the point. Now I'm going to ask for a little bit of direction from staff because what's indicated here on this item is the request is just simply to review requested development standards for the ASU-City of Scottsdale planned community district zoning application. Well we have thus done that, but I would think that it does call for a vote and we --"

**ED GAWF:** "I think that that would be good, Council member Lane, to -- the ordinance simply states review, but I assume that means review and comment or make a recommendation on."

**COUNCILMAN LANE:** "So it is subject to a motion then and a vote. Okay, if everyone is satisfied, do I have a motion?"

**BOARD MEMBER JONES MOVED TO ACCEPT ISSUE 26-ZN-2004 AND RECOMMEND IT TO CITY COUNCIL AND THE PLANNING COMMISSION. SECONDED BY COMMISSIONER BARNETT.**

**BOARD MEMBER O'NEILL:** "A comment regarding the speaker that just spoke. I just wanted to make sure that none of the things that we're getting ready to approve now would affect them negatively. I think those are issues that aren't pertinent to our approval today. I just wanted to make sure of that."

**ED GAWF:** "That is correct and we have been working with the church and will continue to do so. And the developer has committed to that as well."

**BOARD MEMBER O'NEILL:** "Thank you."

**DONNA BRONSKI:** "Chairman? I hesitate to interrupt but this is such an important matter. If I could just clarify that this motion is including approval of all of the amended development standards presented to you for your review today?"

**BOARD MEMBER JONES:** "That would be correct."

**COUNCILMAN LANE:** "All right, that's accepted. Is it accepted by the second as well? Is that sufficient, Ms. Bronski?"

**DONNA BRONSKI:** "Yes. Thank you, Chairman."

**THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).**

**COUNCILMAN LANE:** "The next item that we will move on will be the first item that was pulled from the consent agenda and that is 5-DR-2003#5; Jug N' Barrel Wine Store. Could I get staff, please, to give us a presentation on that."

5-DR-2003#5

Jug 'N Barrel Wine Store

Site Plan & Elevations

14795 N Northsight Boulevard

SKD Architecture, Architect/Designer

**KURT JONES:** "Councilman Lane and members of the Development Review Board, the Jug 'N Barrel is a pad up at Northsight and I believe the application was pulled with regards to

elevations. The architect is here to address them. If you have any questions of me, I'd be happy to answer them."

**BOARD MEMBER D'ANDREA:** "The reason for pulling it is just a couple, I guess -- can you explain your siting of the building? Because as Commissioner Barnett mentioned, it almost seemed like it wants to be flipped. The entry wants to be to where the pedestrians come from and where the parking is. And right now I really don't understand why the main entry is oriented the way it is. So I was hoping that you can explain that."

**STEVE KIM:** "The orientation of the building is designed in such a way that -- as you can see, the Northsight boulevard is going through there from south to north. And then at the original approval for the whole center was that there's a main driveway cut that happened just north of the subject property. Because of the reason that once we try to have the main entry facing the Northsight Boulevard, most of the customers of the wine store is coming from the vehicle. So that if that's the case then they have to park the cars from the interior of the parking lot and have to walk out the public side of sidewalk and then coming back. That was the main reason that it was supposed to face the inside. The same situation happened on all the other pads on the center, was the same logic that facing the interior of the lots."

**BOARD MEMBER D'ANDREA:** "I understand why it is facing the way it is, but that corner patio on -- what is that? Is that the southeast corner? If you flipped -- yeah, northeast. I'm sorry. If you flipped the building and had that on the other side, wouldn't that be a better solution? Because no one is going to stop to let someone out to go in the main entry door on that driveway. Do you understand what I'm saying there?"

**STEVE KIM:** "Would you say that one more time?"

**BOARD MEMBER D'ANDREA:** "If you took the building and drew a line and you flipped it, right on your plan, if you flipped it over, you would still have an entry facing the direction you want to, but it would more, in my opinion, it would serve where a majority of the people are coming a lot better than the current solution."

**STEVE KIM:** "Yes, I think that is still the same solution to the issue on the site. But one of the concerns of the staff was the connection of the sidewalk coming to the north of the building and then there's a covered walkway and a patio area is -- should working as a one unit for the pedestrian system. That was the main idea that why the building was facing this way. But however, it's not a problem for the ownership that the -- it can flip the north and south."

**BOARD MEMBER D'ANDREA:** "I just think it would be better because I'm very familiar with that area and your traffic is not going to come from the direction you're thinking it's coming. It's going to come internal or from this direction, based on your map. So I think you'd be missing by putting the focal point in the main access that far from the parking and where most of the pedestrians are coming from. So, the other question I had is just a clarification. The awnings are metal, they are not a fabric awnings; is that correct?"

**STEVE KIM:** "Yes, correct."

**BOARD MEMBER D'ANDREA:** "Okay."

**COMMISSIONER BARNETT:** "So, did I hear you correctly? You're willing to flip the building? You'd be willing to do a mirror flip of the building so your entry way --"

**STEVE KIM:** "Yes, Board Member Barnett, for the ownership of the property, actually flipping this doesn't make any difference in his operation of the business."

**COMMISSIONER BARNETT:** "Okay, well I would also be in favor of that. I don't know if there are other people here that would be in favor of that. And assuming that we move forward with that, I don't know if we need to make a motion to bring back the actual site plan for the next time or assuming the Applicant's okay with it, if we can make a motion to go ahead and forward it with the flipped building."

**KURT JONES:** "Councilman Lane and Commissioner Barnett, we could add a stipulation that they come back for staff approval to do exactly what you guys are saying."

**COMMISSIONER BARNETT:** "Great, thanks."

**VICE-CHAIRMAN CORTEZ:** "I had a question of staff and that was with regard to the fact that we are asking the Applicant to reconsider reorienting one of their entry's. Looking at their rendered elevation perspective, it doesn't appear as though that the entry that we are describing as the main entry is the main entry. The main entry is actually on the east side of the building; not the north. And if I understand the conversation that the Board is having, it's that we're asking the Applicant to move the north entry to the south entry; is that correct? Now, the question I had of staff is if the Applicant, the owner of the property elected to put some tables out there on the north side of that entry, would they have the ability to serve wine on that patio?"

**KURT JONES:** "Mr. Chairman and Vice Chair Cortez, the answer is yes, with the appropriate liquor license and the appropriate fencing off of that patio. I think maybe some of the orientation of this patio and why it's on the north end of the building was probably because some of staff's recommendation; which was there are two key pedestrian spines coming off of Northside Boulevard and we wanted the pedestrians to go by the patio. So there's still that opportunity in a revised site plan that puts the majority of the patio on the south side, as the flip is being discussed, with again some connections to that pedestrian spine."

**VICE CHAIRMAN CORTEZ:** "Which made sense to me, you know. And initially when I took a look at the site plan I had the same inclination. This entry point should be to the south side for the convenience of the drive by customer. But I think we're missing an opportunity here for those customers that maybe walk by this facility. It's on the north side of the patio and I guess one thing that also concerns me is that I've always taken the position that I don't want to design a project for an applicant. I would like to make recommendations to maybe some of the design inclinations that I have, but this particularly being a retail establishment, I think we ought to allow the designer and the applicant, the owner of the property, to make a retail decision if that's where he wants his patio. So I think I would be inclined to leave it as is or allow the Applicant the flexibility, and maybe after further discussion with the owner of the property, to determine whether or not they move it to the south or not."

**STEVE KIM:** "Well, Board Member Cortez, that actually that patio area decision was created by me, as an architect, so for the business owner that -- once again I want to clear that this establishment doesn't open any bar there or serve the public or any of the sort. So it is not really a business related decision whether the patio should be south or north. It really doesn't affect the operation of the center, so any decision that we can take care of without any problem of the business."



**VICE CHAIRMAN CORTEZ:** "Well, based on the discussion you've heard here today, would you feel comfortable in a stipulation requiring that it be moved to the south, or would you prefer the flexibility of one or the other depending on your discussions with the owner?"

**STEVE KIM:** "Well as the Applicants, flexibility is good but at the same time the owner wants to move ahead, start the construction as soon as possible. So if we can get any sort of decision today, that will undertake that decision."

**BOARD MEMBER D'ANDREA:** "Vice Chairman Cortez, just so I understand. I wasn't proposing to move the patio to the south. I was just flipping it to move it to the northeast corner. Flip it this way. Flip it horizontal, right? Isn't that what you were thinking? I'm all messed up by that drawing there. Can I draw it for you? Just flip, this way. Just take it like this and pppfff (phonetic). And to Vice Chair Cortez's point, the intent is not to tell you how to design but being around that area I can tell you that your pedestrians will not -- you could probably stand on that corner all day and see maybe two people. So, I don't think we should make it a stipulation. I just think it would work better that way. So I agree with him as far as I wouldn't want to restrict what you are doing."

**COUNCILMAN LANE:** "Any further discussion on this item?"

**BOARD MEMBER JONES:** "I think the rest of us think it's fine the way it is."

**COUNCILMAN LANE:** "All right, then do we have a motion?"

**BOARD MEMBER D'ANDREA MOVED TO APPROVE CASE 5-DR-2003#5.  
SECONDED BY BOARD MEMBER JONES.**

**THE MOTION CARRIED BY A VOTE OF SIX (6) TO ONE (1), WITH  
COMMISSIONER BARNETT DISSENTING.**

22-DR-2005

Advanced Health Care  
Site Plan & Elevations  
9846 North 95th Street  
Gould Evans Associates, Architect/Designer

**KURT JONES:** "Mr. Chairman, on item number 8 I think some of the issues were that you didn't receive a full packet with regards to landscape and site plans. And again, staff sincerely apologizes for that. Are there any questions on the actual 11x17's that were in your packet for the site plan, the landscape plan and the elevations? The Applicant and the architect are here for that applicant."

**BOARD MEMBER O'NEILL:** "Yes, there are questions on the 11x17 that was provided, but do I understand you that -- we weren't provided with the site plan and landscape plan and we are being asked to approve that, so will this be continued or do we actually have the appropriate exhibits to review so we can approve this?"

**RICHARD GOECKE:** "Richard Goecke, City of Scottsdale current planning. Mr. Chairman, Members of the Board, relative to your packets and their incompleteness, staff has failed to obtain a color 11x17 representation of the landscape plan. To that end, the Applicant has consented, if this Board does not term that a fatal flaw, to bring one to you for consideration, two weeks from today. That's first for consideration. That was as of a half hour ago."

**BRUCE HEYWOOD:** "For your information, Bruce Haywood, 380 East Main Street in Midway, Utah. Just wanted to add that the Ironwood Square development landscape or streetscape was approved already by this Board. And we have made sure that our landscape matches the streetscape that has been approved already for the Ironwood Square development. So, we will provide a color rendering but the nature and flavor of that landscape has already pretty much been approved by the Board for the entire Ironwood Square development, of which we are a part."

**BOARD MEMBER O'NEILL:** "So Richard, I believe I can remember the -- I mean I know the center well, I can't remember, I might not have been on the Board when that was approved, but it is typical though that, I mean, it's kind of an overall site but then each pad, when they come back, you know, they have their specific landscaping and specific site plan to their pad which we're being asked today to approve and we don't have the exhibits for."

**RICHARD GOECKE:** "That is technically correct. The representation that you have in your packet is the plantings for close end of the building. It also imports the elements that were required for the Ironwood Square street landscape for the tree lawn associated with that. Again, if that is part of your -- integral to your decision making today, that could be perhaps segregated and brought back to you for consideration, the landscape plan that is, two weeks from today."

**COUNCILMAN LANE:** "Do I understand that to mean that it's a separate item?"

**RICHARD GOECKE:** "That would be correct."

**BOARD MEMBER O'NEILL:** "Would that allow them then to continue to move forward? I mean they could submit their building plans, continue to move forward with the kind of time schedules they've got and they would just come back for those other separate items?"

**RICHARD GOECKE:** "That would be the proposal. Correct."

**BOARD MEMBER O'NEILL:** "All right. That's favorable by myself. I'm the one, I think, that pulled it off the agenda originally, but I also have some architectural comments as well."

"I am familiar, like I mentioned, with the Ironwood Center and my first comment is that this seems very out of place with regard to the rest of the architecture that is within that kind of master planned commercial center there. Even without looking at any other detailed pieces of this, I just didn't know if staff or the Applicant could comment to it. It doesn't seem to be very congruent with the rest of the surrounding buildings within the plan."

**RICHARD GOECKE:** "Certainly, Mr. O'Neill, what staff would like to do is draw your attention to attachment 1A in your agendas. That is the summary that staff -- the summary, rather provided by the Applicant, based on information provided to the Applicant for the February 24th DRB hearing. That was a study session conducted for this. Staff took notes. Those were transmitted to the Applicant. What you see in attachment 1A is their summary of response to that. And at this point I think it'd be fair to perhaps turn it over to the Applicant who could more succinctly address those concerns, categorically."

**ROB WHITE:** "Rob White with Gould Evans Architects, 1000 South Main, Salt Lake City, Utah. The nature of the project, and I believe you're maybe referring to the hipped roofs and the more residential nature of the structure as opposed to the more kind of urbanist, new urbanism structures that are in the Ironwood Square District. And we feel that this -- that the nature of this

project and the function, what this project is doing, that it is more appropriate that it does have a more residential look."

"And also with respect to the condominiums that are adjacent to the project, these roof lines actually respect the condominiums that are across the street. And then also the use of the tile roof also respects that. So we feel that that's an important part of this project, to keep the residential nature."

**BOARD MEMBER D'ANDREA:** "I do remember this case and I think, and I don't want to stick words in Board Member Jones' mouth, but the west elevation seems to be the clear stories on the top. I think he made a comment about the fact that those were the largest of the windows. The other ones are more of a low profile. Have you given any thought to maybe making the north side skylights, which get the best exposure, larger and minimizing the skylights or the clear story windows on the west elevation?"

**ROB WHITE:** "Unfortunately, the elevations are a little bit deceiving. If you can look at the elements that are in between the windows, and this applies to all of the clear story elements, one of the comments was if we could incorporate more structure and less glass and then push the glass back, and we actually have done that. It's a little bit hard to read in the flat elevation, but those windows were pulled back from a vertical structural element, probably two and a-half feet. And then there is a minimum of a two and a-half foot overhang beyond the structural element. So, much of that glazing is about 5-feet back so that we feel that we were addressing the solar concerns, the solar gain that we get by having this glazing."

**BOARD MEMBER D'ANDREA:** "Yeah, and I understand that. I just, from this graphic it just looks like the overhang in the window size on the east and west clear stories are quite a bit larger than the north and south. But I think if you have that type of an overhang and you've modified that it should be fine. Thank you."

**BOARD MEMBER JONES:** "I think we're still missing the point. It's a bit ironic that we see a sighting of the Frank Lloyd Wright's Dana house, the Willet's house and the Robey house, all of which were in Chicago. And this certainly has turned to the 20th Century, I guess, Chicago residential kind of look. There does not seem to be any real effort to make this look like an Arizona project. And the surrounding buildings are very pleasantly colorful; bright colors and very interesting, as shown in your own photographs. I think what we were looking for in the previous study session, and as I understand it, we haven't really approved anything on this yet. As I understand it, everybody was more concerned that this looked more like a project that one could see a picture of an realize in was in-fact in Arizona and perhaps even appropriate to the surrounding buildings. Wright did do some houses in this area, but he made them different than the ones he did in Chicago. I don't know that you would have to change an awful lot, but for example, they used stone rather than the more formalized base. Again, I guess we are reluctant to tell you how to design, but I do not see this looking like an Arizona project. The idea being residential for the comfort of the people being rehabilitated is understandable. We're certainly accepting of that. The Board accepts a wide variety of styles. We don't attempt to enforce our own preferences, but if this was something more like the way Wright might have designed a hacienda, for example, rather than a townhouse in Chicago, I think we could look more favorably on it."

**ROB WHITE:** "Just to clarify, the specific references to those Wright houses were in response to the staff's suggestion to look at the prairie style, into the prairie school. So they kind of

narrowed in the focus of Frank Lloyd Wright into the specific -- specifically into the prairie school. And so a lot of the details that we tried to incorporate were in reference to that."

**BOARD MEMBER JONES:** "But the prairie style, for example, put the glass on the corners, mitered the corners, let the roofs float past the corners and it was light and airy. There's work done in this area by several local architects that treat the roof almost as an umbrella that floats over the building, reminiscent of Wright in some ways, not that far from what you're trying to do and we can give you some specific examples to look at. However, this is a large institution and trying to look like a small house is going to be difficult for you. But to me it has a few applied somewhat right elements, but it's at the scale that we would see more on a, I don't know, a reservation school house or something like that."

**BOARD MEMBER SCHMITT:** "Just as a technical point and Board Member Jones just alluded to the issue of what we might have approved and not approved on this project. And just looking through my packet here to find out what we were supposed to be looking at today and the only thing I can -- and I only recall seeing this project once before; it's been some time ago and I find reference to a study session February 24th. Was that the last time we saw this project?"

**ROB WHITE:** "Yes."

**BOARD MEMBER SCHMITT:** "Because typically in a study session we don't make any approvals. In-fact, I don't believe that by law we're even allowed to do so. So I think going back to some of the other Board Member's previous comments, we don't have a packet here that we can really approve from if we wanted to today, because we've not approved a site plan, we've not approved the landscape plan for this site either. So I think you need to kind of treat the comments today as a study session and not seek an approval of anything today because we can't do that, in my opinion. With that in mind, I would make a motion, if there's no other comments, to continue the project until we've got a complete packet."

**BOARD MEMBER SCHMITT MOVED TO CONTINUE THE PROJECT UNTIL SUBMISSION AND REVIEW OF A COMPLETE PACKET. SECONDED BY BOARD MEMBER D'ANDREA.**

**BRUCE HEYWOOD:** "We have worked closely with staff throughout this process, even before the study session, with Suzanne Culver and we have submitted, based on comments that were made by staff, we've, I think, based on the letter that we've given, we've done everything we could to respond to the specific questions and comments by both the Board Members in the study session that we had. And I understand there's been some changes to the Board since February, but it seems to me that -- and I don't know exactly Scottsdale process that occurs on a regular basis, but I would seem to think that if we -- if the Board has had a chance to review it, I don't know why it can't be approved on the first review, unless you do have serious concerns about our ability to address the issues that have been brought up by staff and by the Board in their study session in February."

**BOARD MEMBER SCHMITT:** "Since I'm the maker of the motion, let me respond to that. I guess from my perspective is that this is really, I think, intended to be the first review. Typically a study session is just an informational step in the process. It's not a required step. It's something that you can request and we're happy to give comments to help guide the process along. So this is the first time we're seeing the package for formal approval, yet we have not got a complete package and we would be remiss in our duties to the City Council and the City of Scottsdale to approve a site plan or a landscape plan that we can't see."

**BRUCE HEYWOOD:** "Well the only thing that's really missing is the landscape plan. The site plan is there, I believe. And we submitted based on what was requested by staff. And so --"

**BOARD MEMBER SCHMITT:** "I'm going to stand by my motion. I've got not enough information here to vote for approval on this project."

**THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).**

4-DR-2005

The Borgata Of Scottsdale

Site Plan & Elevations

6166 North Scottsdale Road

Sixty First Place Architects, Architect/Designer

**MAC CUMMINS:** "Good afternoon Councilman Lane, Members of the Board, Mac Cummins, current planning. This item was heard before the Board on May 5th of this year and continued to this afternoon's meeting on a seven/zero vote pending response to a number of issues that were raised at the meeting by the Board. And so what I'd like to do is try and walk through kind of what those issues were and what the Applicant has done to address those things and then take questions."

"This, what you're seeing here is the existing site plan. You have two access points into the project; one along here and then also in along there. There's an existing parking area here and then this is the existing Mancusos structure. The proposed site plan would demolish the existing Mancusos structure and build two new restaurant pads along with a patio and outdoor dining area in the middle. It would also remove the water feature that you see running along Scottsdale Road, push the parking area further out towards Scottsdale and place landscaping that would provide some canopy tree shade along the new sidewalk, which would be move back from the curb here. And I'll comment on that more in a minute because that was a comment by the Board at the time. There were a couple of key issues that staff identified at the meeting on May 5th."

"First of all, the process. What the Board is being asked to look at this afternoon is a site plan DR approval. So, the vertical element of the project, meaning the two new restaurant structures, and the landscaping directly in front of those structures would be subject to future DR hearing. And what the Board is being asked to approve this afternoon is site plan approval that sets out where those building lines would go, where the patio would be, the water feature that is currently proposed to be located along the patio, and all of the ancillary landscaping on the site plan."

"The City staff had a concern at that time regarding tree shade and pedestrian access into the site. We believe that issue has been resolved in the new site plan and we'll walk you through that when we get to the landscape plan."

"And lastly, we're seeing a lot of redevelopment types of requests on some of these older shopping centers. We think that generally the market is starting to evolve and so we're going to continue to see some of these types of requests. And what I'm going to try and do, I know there's a lot of verbiage on a couple of these slides. I just want to walk you through. The Board threw out a whole bunch of comment at that meeting and we tried to narrow them down into clustering of comments. And so I'll just walk through the 8 or 10 of these that were made and what the Applicant did to respond to each of them."

"Firstly, there was a comment made to try and retain the Mancusos structure. The Applicant has indicated that there's a fundamental issue or point to what they're trying to accomplish and that is

to open up the shopping center. And so they are very much wishing to move forward with that just as a philosophy of the development. And so they'll be able to comment more on that if that's still a concern for the Board."

"Secondly, there was a comment to relocate trees from the corners of the project, more in towards the center. And the Applicant has responded to that by moving the sidewalk further back off the street and creating a landscape buffer between the sidewalk and a curb face. And then creating larger canopy trees in the parking lot cutouts that will provide canopy shade out towards the sidewalk. And that also accomplishes the City staff concern that was raised at the May 5th meeting."

"Number three, there was a concern about the trees that were proposed in front of the new restaurant pads. And what staff has proposed in that situation is to leave that to the future DRB hearings because we have really no idea what the vertical elements of those structures will look like. It's difficult to try and stipulate a landscape pallet that will be complimentary to those new restaurant structures. So what we would suggest, and the Applicant is comfortable with, because the building lines will be set, the landscaping directly adjacent to those buildings would just be a part of the future DRB hearing."

"Number four, there was a concern about moving the pedestrian connection points or point, if you will, to the middle of the project. And staff and the Applicant sat down and took a look at that issue. But, if the Board will recall, and I'll show you a graphic in a minute, the frontage of this parcel is very narrow along Scottsdale Road. And there's a signal, a traffic signal with a cross-walk on the far south end of the project. And the Applicant feels that that is the most natural connection point into the site and then the most normal or natural spot would also be at the north end, given the relative short frontage. Staff and the Applicant looked at an idea of potentially having three access points but they seem very clustered or too close together. So if there's questions on that I'll be happy to answer those at the end and I'm sure the Applicant will as well."

"These two I think are really straightforward. There was concerns about the stucco and color and the use of faux stone versus real stone. And the Applicant has complied in all regards to the Board concerns and we passed out the material samples. They will not use any faux stone; all real stone. And the stucco color will match what's existing in the Center."

"There was some concern about removing Mancusos and replacing it with two restaurant pads that would be open for lunch, and whether or not that created additional demand for parking. And the City parking requirements are based on gross floor area, regardless of when those establishments are open. So, we have conducted an analysis based on the gross floor area, under the zoning ordinance, and they are compliant with all of their parking requirements. If the Board has questions on how that works, I will be happy to try and answer those for you, but we have completed that analysis."

"The eighth issue that came up, there was some discussion about the heighth of the fountain and whether or not that could be made larger and what the City's water conservation policy was. And myself and the Applicant have sat down and looked at that issue. They would prefer the low scale fountain, as was currently proposed. And as we sat down with the water conservation policy staff, it's very clear that the City staff recommendation would be to keep the lower scale fountain purely from the City's past actions regarding water conservation."

"Ninth, the issue of under grounding utilities. I think we addressed this at the last meeting, but clearly for the 300 and some odd feet of frontage this property has, it really would fiscally

impossible to try and require under grounding for this parcel. But as we mentioned at the last meeting, everything north of Chaparral along Scottsdale Road is due to come to the City Council later this year for discussion and that will certainly be one of those issues that will come up being the under grounding of utilities the length of the boulevard or the road and the City would want to handle that."

"Tenth, the issue of valet parking. The Applicant has agreed to attach a stipulation which would require valet parking to only be located underground or along the northerly property line. If the Board will recall, the concern at that meeting was that the, if you will, the prime parking along the eastern frontage of the shopping center would be blocked at all times for valet parking. And the Applicant has addressed that by agreeing to a stipulation that would force the valet into some of the less desirable areas on the site. And I would just note that stipulation has been agreed to by all parties, but apparently didn't appear in the packet, so we will add that with the Board's recommendation, if the Board chooses to vote for approval."

"With that, I think I will leave this graphic up. I think it shows most clearly the changes that the Applicant has made to try and address the concerns of the Board from the last meeting. We are recommending approval, subject to the stipulations that are outlined in your packet. And for the record, we received a copy of a letter late last evening from a George Petropulis (phonetic) and you should have received a copy of that at your diocese this afternoon. I'd be happy to answer your questions if the Board has any."

**BOARD MEMBER JONES:** "One of the awkward things about this project is that every Board Member had a different concern, so as far as I'm concerned most of the issues have been addressed pretty well. However, I'd like to clarify the issue with the fountain. When we talked about that we thought it'd be nicer if the fountain, the portion with the water on it, was raised higher; not that there'd be more water or that there'd be a longer drop of water. So there is not a water conservation issue at all. We just thought it would make a more significant landmark, would anchor the Center a little better around that courtyard. It would also be more visible from the street where that motion, activity and the change in light reflecting off of the pond might be more visible. So I would still like to have the designer consider raising the portion of the fountain that does have the active water in it so that it is more visible throughout the project. And what you mentioned in terms of implying a larger water drop or something like that was really not what we were after."

**MAC CUMMINS:** "Yes, Councilman Lane and Member Jones, we broached that subject with the -- the City has a water conservation person on staff and the concern was still there and their preference would be to have the lower scale fountain. And I'm not totally fluent in every thing there is about water conservation but as I understand, the City staff recommendation would be to have a lower scale fountain."

**BOARD MEMBER JONES:** "You know, I think we're still missing the point. If water is dropping two feet at two feet above the plaza, it's really no different in terms of water conservation that if it's dropping two feet at six feet above the plaza. It just happens to be more visible and that was really my only point. So, it's not a deal breaker."

**VICE CHAIRMAN CORTEZ:** "Mr. Cummins, I had a question with regard to what appears to be a series of monument signs on the frontage of this project. I don't know why I hadn't noted this before. There is, in our packet, a rendered perspective that we not only have a directory of sorts at the main entry, but we also have five signage monuments that are integral as a part of the

wall design. Can you tell me if this, first of all, meet current sign ordinance requirements and if we have this similar situation anywhere on Scottsdale Road at present?"

**MAC CUMMINS:** "There's a two prong question there. The first is, the provisions of the sign ordinance are not subject to this application. They're shown as graphical representations of what might be out there. And if the Board would prefer to direct staff to locate signs in a particular location, we can certainly incorporate that. To the issue of exactly, you know, what exists down Scottsdale Road, we've got a whole hodge podge of things. The Board saw earlier today the Seville sign that's gone through several alliterations over time. So I'm not sure that there's a uniform sign, sort of streetscape, if you will. As you go down there's a hodge podge of tall and low monument signs at the entrance to these various shopping centers."

**VICE CHAIRMAN CORTEZ:** "No, I understand that Mr. Cummins. What I'm concerned about it is the fact that we are now introducing a landscape wall component as a part of a signage package. And I don't believe we've done this any place else on a retail commercial project, anywhere on Scottsdale Road. We do have monument signs, which are independent of typical site walls, but here we've actually accentuated that signage by creating those fins and integrating those fins into the wall system itself. So, I would object to the way it has been presented here and would encourage staff to take a look at that. And also, in context with what the Applicant is attempting to do here by lowering, demolishing, raising the Mancusos structure, and then providing on the street frontage a barrier, which they've attempted to utilize as signage in lieu of maybe some additional landscaping, which we originally requested to help mitigate some of those hard surfaces. That's a concern of mine."

**BOARD MEMBER D'ANDREA:** "I would agree. I noticed this rendering much like Vice Chair Cortez and I would agree that, you know, everything that we heard regarding this project has been about people, bringing people in, visual, opening the courtyard. And I would again just say, and I did have a chance to meet with the Applicant, the things they're doing in design wise, make sense from a development and economic standpoint. From an architectural and design standpoint is where I'm losing the attachment. I'm not understanding the concepts. Am I understanding correct that the valet will not be where it is shown currently on this site plan? It will be on the north side?"

**MAC CUMMINS:** "The concern as staff understood from the last meeting was that these stalls in here not be utilized for valet. But the valet drop-off would still be in this location."

**BOARD MEMBER D'ANDREA:** "But the drive would remain. And they did explain to me. I mean that's a tenant driven solution and I understand that. They both want use of the valet. I guess what I'm looking for is some of the elements that I see, I just don't see the connection. I don't think most cars are going to see over that proposed wall. They don't have the time to see what they've done with the buildings so I just maybe didn't -- take another look at their concept and how it relates to the design would be my input at this point."

**BOARD MEMBER O'NEILL:** "I think I echo the comments at the moment of the three board members that have spoken. I appreciated Board Member Jones comment the last meeting regarding the fountain and still support that kind of philosophy that that could be kind of a signature there. The same question with the wall, seeing the redesign of it here used as the signage as opposed to I think the comments we have regarding the landscaping along there, would have been almost to kind of invert what they've got with the wall and having those fins go inward toward the parking lot and having the landscaping in those pockets, so along Scottsdale



Road you see pockets of landscaping not hardscape signage. Even if it's not signage, not hardscape but you see landscape."

**SCOTT NELSON:** "For the record, my name is Scott Nelson. I work with WestCorr on the development team. For starters, I'd like to thank the staff for expeditiously turning this case around and paying close attention to it. And I'd also like to thank the DRB for doing the same."

"Basically over the last five weeks or so we've spent the majority of that time listening and learning. We listened and learned from the DRB meeting or hearing, I should say. And really wanted to culminate all of the ideas and centralize them as Mac indicated into kind of what we thought we heard as being the important aspects."

"Again, we combined that with focus group results that came from shoppers, retailers, and then over the last 18 months or so, we've been between leasing, marketing, management and the development team, coming up with a plan that we felt opened up the center and brought it to a competitive level without impacting as much of the architecture and the ambiance of The Borgata as possible."

"When it comes down to the numbers, we are impacting about 13% of the GLA, so we kind of like to think about it as 87% of this being kept the same because we do feel strongly about the fact that this is a special place. It's unique. There's no other shopping experience like it. There's no other tenant mix like it. And we want to maintain that and we have no interest in steering away from it, but at the same time the premise of this redevelopment or this revitalization has been to create a door, a front door, to a project that historically has turned its back to passer-byer's, whether that be the automobile or pedestrian traffic. It kind of got take out of context a little bit the last DRB hearing, that we were, I guess, counting on pedestrian traffic to keep, you know, to drive traffic to the Center. The whole reason we brought up pedestrian traffic was due to staff's request and the City's vision and philosophy of someday this perhaps being a pedestrian thoroughfare and so I guess if I was to put it in a hierarchy of how we approached this, we approached it from maintaining the visual court, opening up, creating a front door so that first the automobile could and the passer-byer's and those people who haven't lived here for 30 years could realize and I guess, be enticed by the storefronts, by the patio, by the energy that we feel this site plan brings. So, to put that into context I just wanted to do that."

"So, I guess, we took the key learning's which we heard from the DRB last time, as well as the subsequent meetings that we did have, and really kind of came up with a handful of buckets. And I'd like to kind of run through those highlights and hopefully will address some of the issues that have been brought up this far."

"We heard, you know, create a front door. We heard use only quality materials. Maintain your view corridors as that's critical to the success of retail today. The City staff requested that we provide a shaded sidewalk. Create a more robust fountain, something that may be a focal point. Address the concern of the sea of parking that is out there along Scottsdale Road. Look into not replanting turf from a water conservation standpoint. And valet should not be operated to the detriment of the non-valet parking customer. And then finally, you know, what do we do with regards to the landscape that surrounds the restaurant pads. "

"I showed you this earlier so I'll bypass that. Again, I just wanted to reiterate here, we're dealing with about 14% of the overall project. It is the most focal part, being that it is on Scottsdale Road and that's why we're committed to creating a special place that entices those passer-byers to come in. So what are we doing from a materials standpoint? Mr. Cummins relayed some of the

information, but we've committed to the flagstone that is prevalent throughout the Center, throughout the courtyard. I just wanted to show kind of an example or a materials palette if you will of what's in there, which a lot of people don't know about because there's so much focus on the split face block that makes up the Mancusos building that nobody realizes that there is stucco, there's cut stone, there's brick and those are things that we kind of, while we didn't want to heavily use them, we wanted to introduce them and put those out there so that people could see and get an idea of what's special inside. So we've committed to that; along the landscape wall, in the courtyard, where ever prevalent."

"And secondly was the trees. I know Board Member Jones one of your first comments early on was let's take some of those trees off the corners and maintain those view corridors. So what we've done is take some of those trees off the view corridors and kind of served dual function of breaking up that sea of parking. We brought two landscape islands in. We're still talking about 13 more trees in this redevelopment area than is currently there."

"The other thing we did was, in conjunction with the trees, is the reason why we jugged out the landscape wall was to bring those trees closer to the sidewalk to provide -- one thing we did was, the sidewalk goes up to our property line. And we needed to find a way to get those trees to provide the functional shade for that pedestrian, which staff requested. In order to do that, we brought the landscape wall out and the trees out with that. Along those lines, one of the requests last time was that we maybe make a better atmosphere for those people that are in the courtyard and sitting at those dining tables. So one comment we heard was is there a way to increase the landscaping, so we thought by moving that landscaped wall forward, that leaves more landscaping on the other side. That was kind of how we came to that conclusion and how we came up with this site plan."

"So as you can see, what we consider the main view corridor as being here, and here. We've lightened up the trees because as you guys indicated, I think it was a little heavily treed and it kind of went against what we were trying to accomplish. I spoke of the sidewalk and how we brought that in. The other sidewalk component that was recommended by DRB was the fact that we tried to kind of meander this in and maybe give that pedestrian a little better experience through the landscaped area. We felt like we were accomplishing the same thing of the sidewalk that runs parallel because they are bounded by landscape as opposed to 45 -55 mph traffic zooming by along Scottsdale Road."

"With regards to the valet, as Board Member D'Andrea indicated, this is something that these restaurant operators need and that this property needs to be competitive with these type of restaurateurs. You know that one idea that was brought up was can we move the valet to one side or the other. The problem we have or the concern we have with that I should say is that it creates kind of an inequitable solution or situation, that if we move it over here, this restaurant is going to insist in their lease that they have access to a valet and then run their own valet. So with that being said, we as a landlord will run our own valet and we wanted to be able to have it as easily accessible by both restaurant operators, as well as whatever other patrons want to visit the Center."

"As far as the fountain goes, we met with Karen Walker who is with the City Water and Conservation. It's not so much of a water issue, as much as she indicated to us that a water feature can not be a focal point from a street. That it can provide an ambiance, it can provide the falling water ambiance on the courtyard and do that, but that she was trying to get developers and redevelopments away from using water fountains, water features as focal points. That was the

feedback that we received. The technical feedback is that it can't fall more than, I believe it's from four feet in the air."

"And then finally, on a signage standpoint, while this isn't part of this DRB hearing, we've located -- because we brought the trees out, because we wanted to bring the trees closer to the sidewalk, with the requirement that a monument sign be 10 feet back of the property line, what happened was that the trees that we brought forward to shade the pedestrian walkway, ended up blocking what we had a tower monument sign in there. And so what we did to kind of as a balance was go away from the tower sign and do to the two midsize monument signs, which are located here on the corners. You know, after doing it we're pretty happy because we feel it creates really that sense of arrival. It's right down there at eye view. We can provide the trees, the shade, the landscaping and really create that sense of arrival that helps with this level of a project and a development."

**COMMISSIONER BARNETT:** "Just a quick comment on that front wall. I kind of agree with the fact that that zig-zaggy wall looks like of weird and having the signs on the wall, I'm not a big fan of. Are you amendable to just doing a meandering, curvy type wall that's not a signed based wall and maintaining your two end monument signs, but just doing away with the signage on the wall itself?"

**SCOTT NELSON:** "Most certainly. I mean the one thing that we need to do is keep the sidewalk in the right-of-way, up against the property line, so you know one of the comments and the ideas that Board Member Jones brought up was, and Board Member Schmitt, was can we meander and create not a straight sidewalk. The concern with that is you start getting it further and further away from the property line, which takes it further off the shade trees. So that was kind of our thought about just running it straight like that. But the landscape wall can meander all it wants."

**COMMISSIONER BARNETT:** "Okay, that's what I was asking about. Thanks."

**COUNCILMAN LANE:** "I do have one card from an individual who would like to speak. Robert Mancuso."

**ROBERT MANCUSO:** "Hello, my name is Robert Mancuso. I live at 5441 East Orchid Lane, Paradise Valley. I would like to just make a few comments, please, if I may. I operated Mancusos and Frankie's Patio Cafe at the Borgata. For over 23 years we were at that location. And as of April 30th, it was a difficult decision, but we had decided to move on and we fully support the renovation of the Center. Several years ago we noticed a decline in traffic and business in the Center due to other centers that have since opened. And we saw that we should -- we presented a change to WestCorr, which they fully approved and which we relocate our entrance to the front of the building and try to open it up to the public and create a better atmosphere for our restaurant, along with the Center. And unfortunately we met opposition through the City at that time and scaled back our plan to the current, well the signs no longer there, but the sign and the two windows, which at that time really did help the situation. We've been working with WestCorr now for over a year on this possibly moving our location and we decided to move to another center and in being there 23 years, with the history that we've had there, I've seen a lot of really good times, and unfortunately I've seen some bad times. And I really believe, wholeheartedly that something needs to be done to bring the Center back to what it once was. And I just support it and I thank you."

**TERRI WEISZ:** "My name is Terri Weisz and I own Two Plates Full, which is located in The Borgata. I've been in business since 1989 in the Valley. And I started out as a kitchen store and kind of have evolved with all of the big crate and barrels and everything coming in, more into a gallery store. Only so that I would stay alive with all of the big business that's come in and all of the other centers that have come in. I've always loved The Borgata and when my lease was up the chance to go into The Borgata and help revitalize came about, I decided to take it. When we started telling people that we were moving to the Borgata, what was funny was that a lot of comments where people were saying oh, you mean that thing that looks like a castle? And when I think of a castle I think of a big wall. You know, they were built with big walls to keep people out and that's why I totally think that you need to take down the wall to bring people back in. A lot of the other centers have started revitalizations. And I think back in the 80's and 90's when The Borgata was like the only place to go it didn't need as much visual because there wasn't a lot of other centers in the area. And I think with all of the other centers and all of the other retail that's come in, I think we need to get it back on track and we need to bring more life into it. I think with the two restaurants and the patio areas, there would be a lot of movement going on. It will invite people to come in. And I think if it's not done and done soon that I think you'll find a lot of the retailers will be moving out of The Borgata as some have already started to. And have gone out of business. And I think The Borgata will end up not being a retail center any more. Thank you.

**TOM LUCAS:** "My name is Tom Lucas. I've been at The Borgata 20 years. We have two stores there. One is Sherry's Clothing, the other is Mandy's. It's about 6500 square feet, totally. In the last four years we've seen a big decline. I've gone as far as people coming in the back room saying why don't you open up? We didn't know you had even retail in this center. All we thought you were restaurants because there was no signage for us and you drove by it and they were true, but we were continually doing business but as other shopping centers opened, which a lot of them have, it has cut a little bit into the traffic that we've had. Four years ago I had 6,000 names in our computer. Today we have about 1800. I don't know if I could go another year like we are right now. I don't think we're bad merchants, I think changes need to be made. And I believe here changes will be right for us. So, I hope that it does change and it does change in a hurry, although there will be a lot fewer of us there in the Center than there is now. Thank you."

**COUNCILMAN LANE:** "Any other discussion on this item?"

**BOARD MEMBER JONES:** "I just had a question of the other Board Members. It seems to me like our major heartburn on this one is the front wall along the street. And I wonder if we ought to just consider -- I think the openness is needed. Most of the things can be worked out in design. I wonder if we can't consider passing this with the exception of the front wall and have the wall brought separately so that the project can move on."

**COUNCILMAN LANE:** "Would you like to put that in a form of a motion?"

**BOARD MEMBER JONES MOVED FOR APPROVAL OF CASE 4-DR-2005 (THE BORGATA OF SCOTTSDALE) WITH THE STIPULATION THAT THE FRONT WALL BE REDESIGNED AND BROUGHT BACK FOR SEPARATE APPROVAL. SECONDED BY VICE CHAIRMAN CORTEZ.**

**JOHN BERRY:** "Mr. Chairman, Members of the Board, again, I couldn't resist. I'm not even representing these guys but I thought I'd get up. I'm kidding. On behalf of WestCorr, the address is still the same. And WestCorr is not my landlord. Do you want us to come back for a separate approval as opposed to a study session on the wall but then they would be able to proceed with

the balance of it, or did you want us to come back at a study session? Just so I'm clear on what your intention is.

**COUNCILMAN LANE:** Board Member Jones, do you want to address what you intended there?

**BOARD MEMBER JONES:** "Yes, please. We would like to approve the project so that it can move on, but we really are not able to approve the front wall. And we don't like the idea of that wall holding up the entire project. So what I believe that I moved for was approval of the project, with the exception of the front wall and that the wall be brought back for a separate approval altogether, rather than just -- I know that staff could probably work it out, we could talk about it in study session, but my preference is that we actually have a wall design brought back to us for separate approval."

**JOHN BERRY:** "Mr. Chairman, Board Member Jones, thank you very much, but I assume then that the direction to staff is they can proceed with construction drawings and all of that while we're going through this process, but for that wall. Is that correct?"

**COUNCILMAN LANE:** "I would think that that would be the case. Can we get a confirmation from staff on that?"

**LUSIA GALAV:** "Yes, that's correct."

**JOHN BERRY:** "Thank you."

**BOARD MEMBER O'NEILL:** "For Mr. Nelson, what we're approving today with the site plan and landscape plan and the construction of the pads, I'm somewhat interested to know schedule wise, I know that the buildings are going to come back for a complete separate approval by the applicant's of who ever is going to construct those buildings. But is it your intent as the developer then, to have the Center -- I mean are you going to go through your own construction process and build the infrastructure and put in the hardscape and the landscape that we're talking about and these pads are going to be done and completed?"

**SCOTT NELSON:** "As the leases are progressing forward on the two restaurants that we're working with currently, the timing will be such that we'll be delivering these pads at the time when they're ready to take them over and start with their construction. So ideally you're going to have construction -- the landlord's work in this case is going to be the courtyard, everything up kind of the back of curb that faces those restaurant pads. The parking field out here to the east along Scottsdale Road, all of the landscaping. Basically everything you see there other than what is in orange is landlord work."

**BOARD MEMBER O'NEILL:** "Are you close enough with any of your leases where you think there's the possibility where all of that construction, including the demolition and reconstruction will be able to occur at the same time?"

**SCOTT NELSON:** "Yes, and as part of our -- we have to deliver what's called a certified pad to those restaurants, so we'll probably start with getting those pads ready so that as soon as those restaurant applicants make it through the design and review board process, they're able to start and work in parallel with the remainder of our hardscape/landscape area."

**BOARD MEMBER O'NEILL:** "All right, and just last thought for you to pass to whoever those lessee's might be, I mean they should obviously be very aware, I believe, that the Board is going to be concerned with making sure that that is seamless, you know, that the architecture of those two new buildings is seamless with the remainder, as I assume you as the landlord would."

**SCOTT NELSON:** "I was going to say we'd hope that that would be the case because we're going to hold these potential tenants to the highest standards to compliment and improve and enhance the overall project."

**COUNCILMAN LANE:** "Any other discussion?"

**BOARD MEMBER SCHMITT:** "Not so much a matter of discussion, but just I think there was another stipulation that the staff member had eluded to at the beginning of the presentation with respect to location of the valet parking. And I don't know exactly what the wording of that was, but would you want to read that maybe into the record and we'll just approve?"

**MAC CUMMINS:** "What the staff would say is that the location of the cars that will be valet parked will be located either underground or along the northerly property wall, but in no event will be located in the parking field to the east of the restaurant structures."

**BOARD MEMBER JONES MOVED TO AMEND THE MOTION TO INCLUDE THE FOLLOWING ADDITIONAL STIPULATION: THE LOCATION OF THE CARS THAT WILL BE VALET PARKED WILL BE LOCATED EITHER UNDERGROUND OR ALONG THE NORTHERLY PROPERTY WALL, BUT IN NO EVENT WILL BE LOCATED IN THE PARKING FIELD TO THE EAST OF THE RESTAURANT STRUCTURES. SECONDED BY VICE CHAIRMAN CORTEZ.**

**THE ENTIRE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).**

20-DR-2005

Town Center Commercial (@ DC Ranch)

Site Plan, Elevations, Landscape Plan & Wall Plans

10375 East Horseshoe Canyon Drive

H & S International, Architect/Designer

**TIM CURTIS:** "The last item on your regular agenda is item 12, case 20-DR-2003. This is a request for approval of DC Ranch's town center. It's located at the northeast corner of Thompson Peak Parkway and Union Hills. This is a relatively new aerial but it's old relatively speaking because the Thompson Peak Parkway and Union Hills are both constructed at this time. You could see where the roads are and most likely you've all been out there. This would be the Thompson Peak Parkway alignment and that's Union Hills, again, constructed currently."

"This is approximately a six and one-half acre property and if you've been out there you've noticed that there's a health studio, the DRB approved, under construction just to the south of this site. To the north and east are planned homes, and also planned homes across the street of Thompson Peak Parkway."

"This is the site plan. There are five buildings. If you see Thompson Peak Parkway and Union Hills and the center of the Union Hills courtyard is what they're doing at the Town Center. They have an icon building here; I think it's building E. And they have commercial buildings in this L shape, all oriented around the courtyard and courtyard within, with parking structure in this

location and again, the Village Club Health studio, which is under construction is located right there, to the south. And the homes again, to the north and the east and across the street to the west. And this is just a color site plan showing landscaping and the overall layout."

"This was placed on the regular agenda this afternoon, primarily because it's a relatively large project in what will be a fairly prominent location. Staff really doesn't have any issues with the application as presented, as well as the materials. We did recommend approval with stipulations, but we did want to provide an opportunity for the applicant, because of the size of the project, to give a full presentation to the Board, if so desired by the Board. I don't know if you have any questions for me or if you do want a presentation by the Applicant. Just let us know."

**BOARD MEMBER JONES:** "We've all had the opportunity to review the packet and this particular architect, particularly in this area has consistently done a very good job on this. I don't really see a need for an additional presentation. And if there's not a desire for a lot of discussion on the Board, I'd be willing to move for approval. "

**BOARD MEMBER D'ANDREA:** "Am I reading this right on the tower elevation page, and I hope I am? That the height of the tower is 75-feet? This communication tower? I'm hoping that's a 2, but it looks like a 7."

**TIM CURTIS:** "You just can't read whether it's a 7 in the 75?"

**BOARD MEMBER D'ANDREA:** "Yes."

**TIM CURTIS:** "Yes, it is a 7. That's correct."

**BOARD MEMBER D'ANDREA:** "Seventy-five feet?"

**TIM CURTIS:** "Correct."

**BOARD MEMBER D'ANDREA:** "Is that what's required? Number one, what's in there? Number two, is that what's required to house it? And number three, there is nothing -- what else up in that area is -- I mean, that's going to stick out like a -- it's going to be quite a tower. It's going to stick out like a tower."

**TIM CURTIS:** "I'd like to give the opportunity for the Applicant to present the design approach. There is ability to reach that height out there. There's also some grade differences in terms of changes from natural grade and so I think the Applicant would probably give a better presentation than I would regarding that design."

**BOARD MEMBER D'ANDREA:** "In the rendering, as depicted on the front, I think I'm seeing a tower. And that tower is in that rendering, not any where representative to what 75-feet is going to look like. It's more like, I don't know, maybe 3 or 4 stories which would be 40; which would be half of the size of the actual tower. So I'm, other than stating the obvious that it looks like a tower, I guess what I'm wondering is, why the 75-feet and how appropriate is that with the design in the area? Hopefully they can respond to that."

**\*\*UNIDENTIFIED:** "I don't know if you can see the image on the overhead or not, but the image in the front, the main image that you were talking about in questioning the height of the tower, in that image electronically we have created a 3-dimensional model that we based that on. That is the height of the tower proportionate to everything else. The height of the tower, the

height of the buildings, the height of the foundations, the height of the mountains in the background were all considered in creating for this client what was required a picture postcard perfect ending to Union Hills, was their request. And as such, the exact height of all of those elements was taken into great consideration and it is not that height due to communication requirements or anything else like that, that was a way that we were able to make it affordable such that the client could have the tower. The tower was designed to enclose the courtyard space, first. And then the use of it is an after thought to be able to make it affordable."

**BOARD MEMBER D'ANDREA:** "Okay, if that tower is 75-feet, if you look at the building right next door to it, one level, I'm assuming it's a two-level building. Is that right?"

**UNIDENTIFIED:** "The building next to it is a two-level building with 15-foot floors."

**BOARD MEMBER D'ANDREA:** "Okay, so that's 30. And that 30 is three-quarters of the way up the tower. I'm familiar with their office and I know the capabilities. I've done 3-D stuff myself, but that is not what it is going to look like. It's going to be quite a bit higher than that. And that's my concern. So, if the communication equipment has to be at that height and there's a justifiable reason why that needs to be 75-feet, I'd like to know and have that information."

**UNIDENTIFIED:** "I can show you several different models of its position and things like that. It is not a communications requirement. It is entirely an esthetic design requirement."

**BOARD MEMBER D'ANDREA:** "It says communications tower in the book."

**UNIDENTIFIED:** "Correct. We are using the tower for communications and there will be three to four communications carriers within the tower. The height of the tower was not set by the carriers. The height of the tower was not set for purposes of, if we get to this elevation then we will have good communications. It was when we looked at the building to the south of it that's been approved at about 54 feet and we looked at our buildings to the north of it, and how it was positioned in there, we created the tower 3-dimensionally to enclose the space properly."

**BOARD MEMBER D'ANDREA:** "Okay, thanks."

**COUNCILMAN LANE:** "Any other discussion or would someone like to make a motion?"

**BOARD MEMBER JONES MOVED TO APPROVE CASE 20-DR-2005 (TOWNCENTER COMMERCIAL AT DC RANCH). SECONDED BY VICE CHAIRMAN CORTEZ.**

**THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).**

### **ADJOURNMENT**

With no further business to discuss, the regular meeting of the Scottsdale Development Review Board was adjourned at 3:40 p.m.

Respectfully submitted,  
Davette D. Repola  
A-V Tronics, Inc.